Vermont School Boards Association	**Code: C28** **Recommended**
Hartland School District **Policy Statement**	**First Reading: 8/7/2018** **Second Reading: 9/4/2018** **Date Adopted: 9/4/2018**

TRANSGENDER AND GENDER NONCONFORMING STUDENTS

Policy

This Hartland School District policy is designed to provide direction for administrators, staff, students, and parents to address issues that may arise concerning the needs of transgender and gender nonconforming students. Title IX of the Education Amendments of 1972, and 9 V.S.A. 4502 protect all students from sex discrimination, including transgender students and students who do not conform to traditional gender stereotypes.

It is the policy of the Hartland School District/Windsor Southeast Supervisory Union to provide a safe, orderly, civil and positive learning environment for all students, regardless of perceived or actual sex, sexual orientation, gender identity, or gender expression.

Definitions

- "Cisgender" means a person whose gender identity corresponds to their assigned sex at birth.
- "Gender identity" means a person's actual or perceived gender identity, or gender-related characteristics that are intrinsically related to a person's gender or gender-identity, regardless of the person's assigned sex at birth.
- "Gender expression" means the way a person externally communicates gender to other people such as through behaviors, clothing, hairstyles, voice, mannerisms, activities, or body characteristics.
- "Gender nonconforming" refers to a person whose gender-related identity and/or gender expression does not conform to the social expectations or norms for a person of that sex assigned at birth. Other terms that have the same or similar meaning include gender creative, gender variant, gender expansive, gender fluid or gender atypical.
- "Transgender" is a term that describes a person whose gender identity or gender expression is different from the person's assigned sex at birth.
- "Sexual orientation" is a person's emotional and sexual attraction to other people based on the gender of the other person. Sexual orientation is not the same as gender identity. Not all transgender students identify as gay, lesbian or bisexual, and not all gay, lesbian and bisexual students display gender nonconforming characteristics.

Privacy

All students have the right to privacy. Consistent with those rights provided under the Family Educational Rights and Privacy Act of 1974 a transgender or gender nonconforming student will be able to discuss and express their gender identity and gender expression openly and to decide when, with whom, and how much of their

private information to share with others. In addition school staff will respect any requests to use a name and pronoun that corresponds to the student's gender identity that the student asserts or wishes to assert at school. Students will not be required to obtain a court ordered name and/or gender change or to change their pupil personnel records as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity.

There may be times when disclosure to school staff or employees of a student's transgender status is necessary in order to fulfil a school's obligations to the transgender student with respect to safety and health, education and anti-discrimination efforts. In all cases the school will work closely with students and families in devising an appropriate plan regarding the confidentiality of a student's transgender status that works for both the student and the student's family while meeting competing legal requirements. To the extent possible and consistent with all competing legal requirements, school personnel will endeavor throughout to maintain the confidentiality of the student's transgender status.

Student Records

The superintendent will adopt procedures that ensure that all students' personally identifiable information is maintained in compliance with FERPA and state and federally mandated reporting requirements.

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

Where a student's record(s) may not be changed absent court order due to state and federal law, efforts will be taken to maintain those records in strictest confidentiality in order to preserve the student's transgender status and, where appropriate, for an amended version to be maintained which preserves the confidentiality of that transgender status where a review of the record is required for educational purposes by either school personnel education the student or personnel who will be evaluating the student (for eligibility purposes for example).

A student (or parent in the case of minor student) who is currently enrolled may request retroactive changes to that student's record including name and gender. Such requests will be handled on a case by case basis with consideration of the need to maintain legally accurate records consistent with state and federal mandated reporting requirements with the school's ongoing efforts to maintain internal student confidentiality regarding a student's transgender status.

Former student permanent pupil records will be changed by request of a parent of a minor student, or former students who have reached the age of majority, upon receipt of documentation that such legal name and/or gender have been changed pursuant to applicable state law.

Use of Gender Segregated Facilities

A transgender student will not be required to use a locker room or restroom that conflicts with the student's gender identity.

Any student who expresses a need or desire for increased privacy will be provided with reasonable alternative arrangements. Reasonable alternative arrangements may include the use of a private area, or a separate changing schedule, or use of a single stall restroom. Any alternative arrangement will be provided in a way that protects a student's ability to keep their transgender status confidential.

In all cases the use of restrooms and locker rooms by transgender students requires schools to consider numerous factors, including, but not limited to: the transgender student's preference; protecting student privacy; maximizing social integration of the transgender student; minimizing stigmatization of the student; ensuring equal opportunity to participate; the student's age; and protecting the safety of the students involved.

School Activities

As a general rule, in any other circumstances where students are separated by gender in school activities (i.e. overnight field trips), students will be permitted to participate in accordance with their gender identity consistently asserted at school. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case-by-case basis considering the factors listed above.