

## **NHCS FAQ on Transgender and Non-Binary Student Support (NC Law)**

### **What does it mean to be transgender or non-binary?**

- According to transequality.org, “Transgender people are people whose gender identity is different from the gender they were thought to be at birth ‘Trans’ is often used as shorthand for transgender. A transgender woman lives as a woman today, but was thought to be male when she was born. A transgender man lives as a man today, but was thought to be female when he was born. Some transgender people identify as neither male nor female, or as a combination of male and female. There are a variety of terms that people who aren't entirely male or entirely female use to describe their gender identity, like non-binary.”

### **Why does transgender student support matter?**

- According to the US Transgender Survey (2015), transgender students face many challenges in the school setting. 77% of students known or perceived as transgender that participated in the US Transgender Survey reported harassment by students, teachers, or staff, which negatively impacts academic performance. Transgender students that are supported and able to affirm their gender are in better positions to thrive personally and academically.

### **What does North Carolina law say?**

- Under North Carolina law (N.C. Gen. Stat. § 115C-407.15 (2009)), students are protected from bullying and harassment by NHCS students or NHCS employees based on actual or perceived sexual orientation, gender, gender identity, and physical appearance. Also, the United States Court of Appeals (4<sup>th</sup> Circuit) stated in Gavin Grimm vs. Gloucester County School Board (2020) that it is illegal for schools to prevent student access to restrooms and locker rooms matching a student’s gender identity. NHCS may offer transgender and non-binary students an alternate single occupancy restroom but cannot not require its use. Gavin Grimm vs. Gloucester County School Board (2020) also makes clear that students can request to update their education records (such as transcripts and new documents after providing appropriate documentation) to reflect a student’s gender identity.

### **How can a transgender or non-binary student request support?**

- NHCS encourages transgender and non-binary students to seek support when needed to ensure that they feel comfortable in their educational environment. Students may make support requests by speaking with a teacher, school administrator, school counselor, or NHCS’ Title IX coordinator. Depending on the type of support needed, a support meeting involving school administration, teachers, student, caregivers may be necessary to ensure implementation of the needed support. For example, a student requesting to be referred to by a name (or pronouns) matching their gender identity in class may do so by making the request to their teacher without needing a support meeting. On the other hand, a student requesting a legal name change on educational records or documents will most likely need a support meeting to implement the request.

### **Where can I find support resources for transgender and non-binary students?**

- Support resources can be located [here](#) for transgender students, non-binary students, and sexual harassment reporters.

### **Will my child be required to use the restroom or locker room with a transgender student?**

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- NHCS strives to foster a school environment where all students feel welcome and safe. NHCS will continue to respond on a case by case basis to privacy and safety concerns while following applicable NHCS conduct policies. There is no evidence that suggests inherent threats to the privacy or safety of others due to the presence of transgender or non-binary students in restrooms or locker rooms. NHCS will respond to restroom and locker room privacy and safety concerns without considering a person's gender identity in order to protect all students.

### **What if a transgender student seeks privacy and requests that their caregiver not be involved in the support process?**

- NHCS understands that sometimes school is the only place where transgender or non-binary students feel safe enough to be themselves. NHCS strives to protect the privacy of all of its students based on federal and state law. NHCS will respond on a case by case basis and will work with the student to develop a process to respond when caregivers are not ready to affirm their child's gender identity. NHCS will consider relevant factors such as age, safety, type of support needed, etc. to determine appropriate steps.

### **What if a caregiver does not agree with their child's transgender status or support measures?**

- NHCS will respond to these matters on a case by case basis while balancing student privacy, student safety, and caregiver rights. NHCS will make a good faith effort to find common ground between student and caregiver wishes. Age and maturity of the student requesting the support would be considered in determining appropriate supportive measures in addition to other relevant factors.