

Transgender and Gender Non-Conforming Youth

Federal and state law and Bethany Board of Education (Board) policy require that all programs, activities, and employment practices be free from discrimination based on sex, sexual orientation, gender identity, or expression. The Board is committed to creating a safe learning environment for all students and to ensure that every student has equal access to all school programs and activities.

This Administrative Regulation sets out guidelines for Bethany Public School District (District) staff to address the needs of transgender and gender non-conforming students and clarifies how state law should be implemented in situations where questions may arise about how to protect the legal rights or safety of such students. This Administrative Regulation does not anticipate every situation that might occur with respect to transgender or gender non-conforming students and the needs of each transgender or gender non-conforming student must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of the transgender or gender non-conforming student while maximizing the student's social integration and minimizing stigmatization of the student.

Definitions

The definitions provided here are not intended to label students but rather to assist in understanding this regulation and the legal obligations of the District staff. It is recognized that students might or might not use these terms to describe themselves.

- A. **Gender identity** is a person's deeply held sense or psychological knowledge of their own gender, regardless of the gender they were assigned at birth. One's gender identity can be the same or different than the gender assigned at birth. Everyone has a gender identity.
- B. **Transgender** describes people whose gender identity, expression, or behavior is different from those typically associated with an assigned sex at birth.
- C. **Gender expression** refers to the manner a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, or mannerisms.
- D. **Gender non-conforming** describes people whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous. This includes people who identify outside traditional gender categories or identify both genders.
- E. **Cisgender** refers to individuals whose gender identity, expression, or behavior conforms with those typically associated with their sex assigned at birth.
- F. **Gender Fluid** may be a form of both gender identity and gender expression. It generally describes individuals who may not identify as the same gender all the time and whose gender expression may change accordingly.
- G. **Gender Minority** is an umbrella term referring to individuals not identifying as Cisgender.
- H. **Gender Transition** is the process in which a person changes their gender expression to better reflect their gender identity. In order to feel comfortable and to express their gender identity to other people, transgender people may take a variety of steps such as using a nickname or legally changing their name; choosing clothes and hairstyles to reflect their gender identity; and generally living and presenting themselves to others, consistently with their gender identity. Some, but not all, transgender people take hormones or undergo surgical procedures to change their bodies to better reflect their gender identity. Transitioning may or may not include changing identity documents to reflect one's gender identity.

- I. **Bullying** means an act that is direct or indirect and severe, persistent or pervasive which:
 - a. causes physical or emotional harm to an individual,
 - b. places an individual in reasonable fear of physical or emotional harm, or
 - c. infringes on the rights and opportunities of an individual at school.

Bullying shall include, but need not be limited to, a written, oral, or electronic communication or physical act or gender based on any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status, academic status, physical appearance or mental, physical, developmental or sensory disability or by association with an individual or group who has or is perceived to have one or more such characteristics.

- J. **Harassment** means written, verbal or physical conduct that adversely affects the ability of one or more students to participate in or benefit from the educational programs or activities because the conduct is so severe, persistent, or pervasive. This includes conduct that is based on a student's actual or perceived race, color, national origin, sex, disability, sexual orientation, sexual identity, or expression or religion. This also includes conduct that targets a student because of a characteristic of a friend, family member or other person or group with whom a student associates.

Coordination of School Accommodations

A. Privacy

All persons, including students, have a right to privacy. This includes the right to keep private one's transgender status or gender non-conforming presentation at school. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential medical information. School personnel should not disclose information that may reveal a student's transgender status or gender non-conforming presentation to others, including parents/guardians and other school personnel unless legally required to do so or unless the student has authorized such disclosure. Transgender and gender non-conforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much to share private information.

When contacting the parent or guardian of a transgender or gender non-conforming student, school personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise.

B. Official Records

The District is required to maintain a mandatory permanent student record (official record) that includes a student's legal name and legal gender. However, the District is not required to use a student's legal name and gender on other school records or documents. The District will change a student's official record to reflect a change in legal name or legal gender upon receipt of documentation that such change has been made pursuant to a court order. In situations where school staff or administrators are required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, school staff and administrators shall adopt practices to avoid the inadvertent disclosure of such confidential information.

STUDENTS

Regulation 5145.53(c)

The District recognizes, under the Family Educational Rights and Privacy Act (FERPA), that a student has the right to request the school to change the student's name and gender on such student's school records if the student or parent/guardian, if such a student is under eighteen (18) years of age, believe the records are incorrect, misleading, or violate a student's privacy. Upon such request, the school should correct student education records to accurately reflect the student's chosen name and gender identity, regardless of whether the student has completed a legal name change.

C. Names/Pronouns

A student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and the student need not change their official records.

The intentional or persistent refusal to respect a student's gender identity (for example, intentionally referring to the student by a name or pronoun that does not correspond to the student's gender identity) is a violation of District Policy and this Administrative Regulation.

D. Gender-Segregated Activities

To the extent possible, the school should reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, such as for selected health education classes, students should be included in the group that corresponds to their gender identity.

E. Student Information System

The District shall modify its student information system, as necessary, to prevent disclosure of confidential information and ensure that school personnel uses a student's preferred name and pronouns consistent with the student's gender identity.

F. Restroom Accessibility

Students shall have access to the restroom that corresponds to their gender identity consistently asserted at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single user restroom. However, no student shall be required to use such a restroom because they are transgender or gender non-conforming.

G. Physical Education Classes & Intramural Sports

Transgender and gender non-conforming students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity.

H. Interscholastic Competitive Sports Teams

Transgender and gender non-conforming students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity and in compliance with the applicable regulations of the Connecticut Interscholastic Athletic Association (~~CIAC~~).

STUDENTS

Regulation 5145.53(d)

I. Dress Codes

Transgender and gender non-conforming students have the right to dress in a manner consistent with their gender identity or gender expression. In general, the school may not adopt dress codes that restrict students' clothing or appearance on the basis of gender.

J. Discrimination/Harassment

It is the responsibility of the school and the District to ensure that transgender and gender non-conforming students have a safe school environment. This includes ensuring that any incident of discrimination, harassment, or violence is given immediate attention, including investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources.

Complaints alleging discrimination or harassment based on a person's actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination or harassment complaints.

K. Professional Development

The Board directs the Superintendent to provide for the training of District staff in transgender sensitivity, in what it means to treat all people respectfully and equally. Developmentally age-appropriate training shall also be provided for students.

Legal References:

- Connecticut General Statutes § 1-1n
- Connecticut General Statutes § 10-15c
- Connecticut General Statutes § 10-209
- Connecticut General Statutes § 10-222g
- Connecticut General Statutes § 46a-51
- Connecticut General Statutes § 46a-58(a)
- Connecticut General Statutes § 46a-60
- Connecticut General Statutes § 46a-64(a)(1)(2)
- Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b)
- Public Act 07-62
- Public Act 11-55
- Title IX of the Education Amendments of 1972, 34 CFR § 106
- Meritor Savings Bank. FSB v. Vinson*, 477 U.S. 57 (1986)
- Faragher v. City of Boca Raton*, No. 97-282 (U.S. Supreme Court, June 26, 1998)
- Burlington Industries, Inc. v. Ellerth*, No. 97-569, (U.S. Supreme Court, June 26, 1998)
- Gebbs v. Lago Vista Indiana School District*, No. 99-1866, (U.S. Supreme Court, June 26, 1998).

STUDENTS

Regulation 5145.53(e)

Davis v. Monroe County Board of Education, No. 97-843 (U.S. Supreme Court, May 24, 1999)

Bostock v. Clayton County, Georgia, 140 S.Ct. 1731, 2020 WL3146686 (June 15, 2020)

20 U.S.C. 1232g, Federal Family Educational Rights, and Privacy Act of 1974

“Guidance on Civil Rights Protections and Supports for Transgender Students,” Connecticut State Department of Education, June 2017

Regulation approved: January 12, 2017

Regulation revised: January 9, 2018

Regulation revised: February 4, 2020

Regulation revised: December 14, 2022

Source: CABE