

**Board of Education Policy**

**TRANSGENDER AND GENDER NONCONFORMING STUDENTS**

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District policy requires that all programs, activities, and employment practices be free from discrimination based on sex, gender, sexual orientation, gender identity, gender nonconformity and gender expression. In accordance with Federal and state laws, this policy is designed to create a safe learning environment for all students, which provides every student with equal access to all school programs and activities. It recognizes that all students need a supportive educational environment to progress academically and developmentally.

This policy addresses the needs of transgender and gender nonconforming students. It does not anticipate every situation that might occur with respect to transgender or gender nonconforming students. The needs of each transgender or gender nonconforming student must be assessed on a case-by-case basis. In all cases, the goal is to protect the legal rights, safety, comfort, and healthy development of the transgender or gender nonconforming student while maximizing all student's social integration and minimizing stigmatization of all students.

**DEFINITIONS**

Understanding common terminology is important to providing a safe school environment for all students. The definitions provided here are not intended to label students, they are definitions used by research, advocacy and government organizations to assist in understanding this policy and the legal obligations of District staff. District personnel should use the language that individual students are using to describe their own gender identity, personal appearance, or individual behaviors. The students might or might not use these terms to describe themselves. Most commonly used terms are:

- “Assigned Sex at Birth” is the sex designation, usually “male” or “female,” assigned to a person when they are born.
- “Cisgender” is an adjective describing a person whose gender identity corresponds to their assigned sex at birth.
- “Gender expression” is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
- “Gender identity” is a person’s gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth. Everyone has a gender identity.
- “Gender nonconforming (GNC)” is a term used to describe people whose gender expression differs from stereotypic expectations. The terms “gender variant” or “gender atypical” are also used. Gender nonconforming individuals may identify as male, female, some combination of both, or neither.

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- “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 youth identify as gay, lesbian or bisexual, and not all gay, lesbian and bisexual youth display gender-nonconforming characteristics.
- “Transgender” is an adjective describing a person whose gender identity does not correspond to their assigned sex at birth.
- “Transition” is the process by which a person socially and/or physically aligns their gender expression more closely to their actual gender identity and away from that associated with their assigned sex at birth.
- “Transgender female” is a person who identifies as a female and whose assigned sex at birth is male.
- “Transgender male” is a person who identifies as a male and whose assigned sex at birth is a female.

**GUIDANCE**

All persons, including students, have a right to privacy. This includes the right to keep private one’s transgender status or gender nonconforming presentation at school.

Information about a student’s transgender status, legal name, or assigned sex at birth may also constitute confidential information. School personnel should not disclose information that may reveal a student’s transgender status or gender nonconforming presentation to others, including, but not limited to: parents of other students, students and other school personnel, unless legally authorized to do so or unless the student has authorized such disclosure.

Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly and to decide when, with whom, and how much private information to share.

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

**OFFICIAL RECORDS**

The District is required to maintain a 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. In such cases, where the student has chosen to be identified by a name other than their birth name, the District may create and maintain two sets of student records for the student: one that is confidential with the student’s birth name and birth sex and one with the name and gender identity that the student consistently asserts at school. As required by law, the District will maintain the confidentiality of student information and records.

The District will change a student’s “official record” to reflect a change in legal name or legal gender

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upon receipt of documentation that such change has been made pursuant to a court order or birth certificate. 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, certain reports to the State Education Department, and when necessary for appropriate and coordinated medical care, the District will use the student's legal name and gender assigned at birth.

Any student identification cards will be issued with the name reflecting the gender identity the student consistently asserts at school.

School personnel shall adopt practices to avoid the inadvertent disclosure of confidential information.

**NAMES/PRONOUNS**

Transgender and gender nonconforming students have the right to discuss and convey their gender identity and expression openly and to decide when, with whom, and how much of this confidential information to share. They have 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 his or her official records.

When apprised of a student's transgender or gender nonconforming status, the District will endeavor to engage the student and his/her parents, as appropriate, in an effort to agree upon a plan that will accommodate the student's individual needs at school regarding their name and pronoun to be used when communicating with the student or referring to the student. The plan may include when and how to initiate the student's preferred name and associated pronoun use and if, when and how to communicate this plan to others.

District staff will use the name and pronoun that corresponds to the gender identity the student asserts at school. 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 this policy.

**GENDER-SEGREGATED ACTIVITIES**

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

**STUDENT INFORMATION SYSTEMS**

The District will make an effort to work with the student information system vendor, to modify its student information system, to prevent disclosure of confidential information and to inform school personnel to use a student's preferred name and pronouns matching with the student's gender identity.

**RESTROOM ACCESSIBILITY**

The use of restrooms by transgender or gender nonconforming students shall be assessed on a case-by-case basis. No transgender or gender nonconforming student shall be prohibited from accessing the restroom that corresponds to their gender identity asserted at school. Any student who has a need or desire for increased privacy, or other accommodation when using a restroom, regardless of the

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underlying reason, will be provided with a safe and adequate alternative, but no student shall be required to use that alternative.

**LOCKER ROOM ACCESSIBILITY**

The use of locker rooms by transgender or gender nonconforming students shall be assessed on a case-by-case basis. The intent of this policy is to maximize the student's social integration and equal opportunity to participate in physical education classes and sports, for the student's safety and comfort, and minimizing stigmatization of the student.

As deemed appropriate, transgender and gender nonconforming students should have access to the locker room that corresponds to their gender identity asserted at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, a Physical Education office in the locker room area, or a nearby health office restroom), or with a separate changing schedule (e.g., using the locker room that corresponds to their gender identity before or after other students). Any alternative arrangement should be provided in a way that protects the student's ability to keep his/ her transgender status confidential.

In no case shall a transgender or gender nonconforming student be required to use a locker room that conflicts with the student's gender identity.

**PHYSICAL EDUCATION CLASSES AND INTRAMURAL PROGRAMS**

Physical education is a required part of the District's curriculum. Transgender and gender nonconforming students shall be permitted to participate in physical education classes and intramural sports in a manner consistent with their gender identity.

**INTERSCHOLASTIC ATHLETIC PROGRAM**

Upon written notification that a transgender or gender nonconforming student would like the opportunity to participate in the District's interscholastic athletic program consistent with his or her gender identity, the District will support their application for participation to Section XI in accordance with applicable law, regulations and guidelines. The District will confirm the student's asserted gender identity with documentation it considers appropriate from a parent/guardian, counselor, doctor, psychologist, psychiatrist, or other medical professional. The student's gender identity should be the same as the identity consistently used for other school purposes.

Any appeal regarding the eligibility decision will be directed to the governing body of athletic competition.

**DRESS CODE and ATHLETIC TEAM UNIFORMS**

Transgender and gender nonconforming students have the right to dress in a manner consistent with their gender identity or gender expression as per the District's practice. In general, the District will not adopt dress codes that restrict a transgender or gender nonconforming students' clothing or appearance on the basis of gender.

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Transgender and gender nonconforming students, while traveling to and from athletic contests, and while participating in athletic contests, shall have access to a uniform that is provided by the District and is appropriate for that sport.

**OTHER ACTIVITIES**

Generally, in other circumstances where students may be sex-segregated, such as overnight field trips, a transgender or gender nonconforming student's needs shall be assessed on a case-by-case basis and where deemed appropriate, a transgender or gender nonconforming student may be permitted to participate in accordance with the gender identity that the student asserts at school. Student privacy concerns will be addressed individually and on a case-by-case basis in accordance with District policy and applicable law, regulations and guideline.

**DISCRIMINATION/HARASSMENT**

It is the responsibility of each school and the District to create and maintain a supportive environment in which transgender and gender nonconforming 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.

To cultivate civility among the School District Community, when applicable, the District may provide training and information sessions to students, school personnel, and residents, to assist them with the understanding of the importance of a safe and supportive environment for transgender and gender nonconforming students.

- References:** *NYSED: Guidance to School Districts for Creating a Safe and Supportive School Environment for Transgender and Gender Nonconforming Students* (July 2015)  
Education Law, Article 2  
8 NYCRR §100.2(k)  
8 NYCRR §100.2(l)  
8 NYCRR §100.2(jj)  
8 NYCRR §100.2(kk)

- Adopted:** 01/27/2016  
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