

## 6.035. Transgender and Gender Non-Conforming Youth

Federal and state law and Cooperative Educational Services (C.E.S.) policy requires that all programs, activities, and employment practices be free from discrimination based on sex, sexual orientation, or gender identity or expression. This policy is designed in keeping with these mandates to create a safe learning environment for all students and to ensure that every student has equal access to all school programs and activities. This policy sets out guidelines for schools and 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 policy 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 nonconforming 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 policy and the legal obligations of District staff. It is recognized that students might or might not use these terms to describe themselves.

“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 from the gender assigned at birth. Everyone has a gender identity.

“Transgender” describes people whose gender identity or expression is different from that traditionally associated with an assigned sex at birth.

“Gender expression” refers to the manner a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, or mannerisms.

“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.

“Gender Dysphoria” refers to the feeling of discomfort or distress that might occur in people whose gender identity differs from their sex assigned at birth or sex-related physical characteristics.

“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.

“Parental Notice” identifies situations in which school districts may have an obligation to disclose a student’s preferred name, gender marker, and pronouns to the student’s parents or guardians where these identifiers differ from the student’s sex at birth.

“Religious Freedom” means that there is uncertainty regarding what, if any, weight school districts can give student or employee claims that addressing an individual consistent with their gender identity conflicts with their sincerely held religious beliefs.

“Student Records” refers to circumstances where a parent/guardian disagreed with a minor student regarding the name, gender marker, or pronoun to be used at school and in the student’s education records, noting that the 2017 CSDE Guidance states that declining to use a transgender student’s chosen name, gender marker, or pronoun could raise “serious civil rights concerns under existing law.” The 2024 Guidance now provides that, consistent with the Family Educational Rights and Privacy Act (“FERPA”), only parents/guardians or students over the age of 18 have the authority to seek the amendment of education records. Although minor students do not have authority to require amendment of their education records without parent/guardian consent, the 2024 Guidance encourages school districts to work with families to resolve differences regarding these matters.

“Education Records” is defined by FERPA to mean all records maintained by a school that are directly related to a student and may include records in paper or digital format.

“Bullying” means an unwanted and aggressive behavior among children in grades kindergarten to twelve, inclusive, that involves a real or perceived power imbalance.

“Harassment” means written, verbal or physical conduct that adversely affects the ability of one or more students to participate in or benefit from the school’s 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.

“Challenging Behavior” refers to behavior that negatively impacts school climate or interferes, or is at risk of interfering, with the learning or safety of a student or the safety of a school employee.

### 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 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.

### Official Records

C.E.S. is required to maintain a mandatory permanent student record (“official record”) that includes a student’s legal name and legal gender. However, C.E.S. is not required to use a student’s legal name and gender on other school records or documents. C.E.S. 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, or an official FERPA request for the correction or amendment of a student’s education records made by a parent, guardian, or an eligible student who has reached 18 years of age. 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.

### 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 his or her 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 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 selected health education classes, students should be included in the group that corresponds to their gender identity.

### 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.

### Locker Room Accessibility

The use of locker rooms by transgender students shall be assessed on a case-by-case basis with the goals of maximizing the student's social integration and equal opportunity to participate in physical education classes and sports, ensuring the student's safety and comfort, and minimizing stigmatization of the student. In most cases, transgender students should have access to the locker room that corresponds to their gender identity consistently asserted at school, like all other students. Any student, transgender or not, 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 P.E. instructor's office in the locker room, 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 or her transgender status confidential. In no case shall a transgender student be required to use a locker room that conflicts with the student's gender identity.

### Physical Education Classes & Intramural Sports/Clubs

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

### 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, CES may not adopt dress codes that restrict students' clothing or appearance on the basis of gender.

### Discrimination/Harassment

It is the responsibility of each school and program to ensure that 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.

### Professional Development

The CES Representative Council directs the Executive Director 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

10-15c Discrimination in public school prohibited. (Amended by P.A. 97- 247 to include "sexual orientation" and PA 11-55 to include "gender identity or expression")

46a-60 Discriminatory employment practices prohibited Federal Law.

10-209 Records not to be public.

46a-60 Discriminatory employment practices prohibited.

P.A. 23-167 Bullying

Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).

Public Act 07-62 An Act Concerning the Deprivation of Rights on Account of Sexual Orientation. Public Act 11-55 An Act Concerning Discrimination.

Title IX of the Education Amendments of 1972, 34 CFR Section 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).

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

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