

Students

Transgender and Gender Non-Conforming Youth

Purpose

Federal and state law and Amity Regional School District No. 5 (ARSD) policy require that all programs, activities, and employment practices be free from discrimination based on sex, including gender, gender identity, gender expression, and sexual orientation.

This regulation sets out guidelines for schools and ARSD 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 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.

Definitions

The definitions provided here are not intended to label students but rather to assist in understanding ARSD Policy 5145.53, Transgender and Gender Non-Conforming Youth and the legal obligations of ARSD staff. It is recognized that students might or might not use these terms to describe themselves.

“Cis gender” describes an individual whose current gender identity is the same as the sex they were assigned at birth.

"Gender identity" is an individual's sense of self as man, woman, transgender, or something else. One's gender identity can be the same or different than the gender assigned at birth.

"Transgender" describes people whose gender identity, or expression, is different from their sex assigned sex at birth.

"Gender expression" refers to how an individual chooses to present their identity to others through physical appearance and behavior, such as style of hair or dress, voice, or movement. .

"Gender non-conforming" is the state of one's physical appearance or behaviors not aligning with societal expectations of their gender (a feminine boy, a masculine girl, etc.).

“Gender nonbinary” describes individuals who do not identify their gender as man or woman. Other terms to describe this identity include gender queer, agender, bigender, gender creative, etc.

"Gender Transition" is the process in which a person changes their gender expression to better reflect their gender identity.

“Sex” refers to an individual's biological status as male, female, or something else. Sex is assigned at birth and associated with physical attributes such as anatomy and chromosomes.

"Sexual Orientation" refers to a person's identity in relation to the gender or genders to which

Students

Transgender and Gender Non-Conforming Youth

they are romantically, emotionally, or sexually attracted, including any identity that a person may have previously expressed or is perceived by another to hold.

"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.

"Gender Minority" is an umbrella term referring to individuals not identifying as cisgender.

"Gender Dysphoria" is defined as "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."

Privacy

ARSD students have the right to keep private their 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/families/legal 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, family member, or legal 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, family member, or legal guardian has specified otherwise.

Official Records

ARSD is required to maintain a mandatory permanent student record ("official record") that includes a student's legal name and legal gender. However, ARSD is not required to use a student's legal name and gender on other school records or documents. 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.

ARSD recognizes under the Family Educational Rights and Privacy Act (FERPA) that parents, guardians and eligible students, those who have reached 18 years of age, have the right to inspect and review the student's educational records and if they believe that the records contain information that is inaccurate, misleading or a violation of the student's right of privacy, they may request the school amend the student's educational records including a request to make the record consistent with the student's chosen name and gender identity. In general, a school should treat requests to change student records based on transgender status no differently than it would treat any other request for a change to student records. Upon consideration of such a

Students

Transgender and Gender Non-Conforming Youth

request, schools should correct student education records to accurately reflect the student's declared name and gender identity, regardless of whether the student has completed a legal name change. Neither federal nor Connecticut law requires that a parent, guardian, or eligible student obtain a court-sanctioned name change to request a change to student records.

Upon receipt of a request for a student that has not completed a legal name change, district personnel should consider advising the parent, guardian, or eligible student of the potential consequences of inconsistent records on college materials, driver's licenses, and other future documents and advise the family to consider consulting with an attorney regarding such matters.

Confidentiality

School personnel may not disclose information that may reveal a student's gender identity status, except as allowed by law. Under FERPA only those school employees with a legitimate educational reason may have access to a student's records or the information contained within those records. Disclosing confidential student information to other employees, students, parents/legal guardians, or other third parties may violate privacy laws including, but not limited to, FERPA.

Students who do not want their parents/guardians to know about their gender identity status shall be addressed on a case-by-case basis. The school counselor shall balance the rights of the student needing support and the requirement that parents/guardians be kept informed about their child. In accordance with law, parents/guardians and/or the appropriate local officials shall be informed when there is any suspicion of injury or harm to the student or other students.

Student Information Systems

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

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

Transgender and Gender Non-Conforming Youth

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 and gender non-conforming students shall be supported 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. In most cases transgender students shall have access to the locker room that corresponds to their gender identity consistently asserted at school like all other students. In no case shall a transgender or gender non-conforming student be required to use a locker room that conflicts with the student's gender identity.

Any student, transgender/gender non-conforming 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. Any alternative arrangement should be provided in a way that protects students' ability to keep their gender identity status confidential.

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.

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).

Gender Segregation in Other Areas

As a general rule in any other circumstances where students are separated by gender in school activities (i.e., overnight field trips) students may 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.

Dress Codes

Any student, transgender/gender non-conforming or not, has the right to dress in a manner consistent with their gender identity or gender expression. ARSD student dress is governed by ARSD Policy 5132, Dress and Grooming. Enforcement of the dress code shall be gender neutral.

Discrimination/Harassment

It is the responsibility of each school and ARSD 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

Students

Transgender and Gender Non-Conforming Youth

appropriate resources.

If a transgender or a gender non-conforming student believes that they have been subject to sex discrimination including sex based harassment based upon their sex/status as a transgender or gender non-conforming student, they may make a report or file an a complaint in accordance with Board Policy 5145.5/4118.112/4218.112 Prohibition Against Sexual Harassment and Board Regulation 5145.5/4118.112/4218.112, Prohibition Against Sexual Harassment: Response to Reports of Sexual Harassment and Grievance Procedures for Formal Complaints (R5145.5/4118.112/4218.112).

Retaliation is prohibited against any individual who makes a good faith report of a suspected sex discrimination or sex-based harassment or participates in a related investigation. Students with inquiries or complaints who believe they have been subjected to such retaliation are referred to Board Policy 5145.5/4118.112/4218.112 Prohibition Against Sexual Harassment and Board Regulation 5145.5/4118.112/4218.112, Prohibition Against Sexual Harassment: Response to Reports of Sexual Harassment and Grievance Procedures for Formal Complaints (R5145.5/4118.112/4218.112).

Resources for Transgender or Transitioning Students

If a school staff member observes that a gender identity issue is creating challenges for a student at school or if a student indicates an intention to transition, the staff member shall alert a school counselor and encourage the student to meet with the school counselor if appropriate. School staff shall make every effort to support the student and encourage the support and respect of student peers and staff during school.

When a student indicates an intention to transition the school counselor, as appropriate, shall offer assistance and provide the student and/or their parents/guardians with information and resources regarding the issues associated with gender identity and expression and/or gender transition. The school counselor shall also provide information regarding gender transition planning at school. The counselor shall coordinate the measures planned and taken at school for supporting the student and creating a sensitive supportive environment at school.

Professional Development

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

(cf. 0521 – Affirmative Action Plan/Nondiscrimination)

(cf. 4131 - Staff Development)

(cf. 5131 - Conduct)

(cf. 5131.21 – Threats or Acts of Violence)

(cf. 5131.8 – Off-School Grounds Misconduct)

(cf. 5131.91 - Hazing)

(cf. 5131.911 – Bullying and Teen Violence)

(cf. 5145.45 - Nondiscrimination)

(cf. 5145.5 - Sexual and Other Forms of Harassment with Grievance Procedure)

Students

Transgender and Gender Non-Conforming Youth

(cf. 6121 - Nondiscrimination)

Legal Reference: Connecticut General Statutes

1-1n "Gender identity or expression" defined.

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")

10-222g Prevention and intervention strategy re bullying and teen dating violence as amended by PA 19-166.

46a-51 Definitions.

46a-58(a) Deprivation of rights. Desecration of property. Placing of burning cross or noose on property. Penalty.

46a-60 Discriminatory employment practices prohibited Federal Law.

46a-64(a)(1)(2) Discriminatory public accommodations practices prohibited. Penalty.

10-209 Records not to be public.

46a-60 Discriminatory employment practices prohibited.

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, 20 U.S.C. §1681(a).

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.

Students

Transgender and Gender Non-Conforming Youth

Supreme Court, June 26,1998).

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

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

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

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