
Reference AC and AC-R2

TRANSGENDER AND GENDER NONCONFORMING STAFF

The Nashua School District (District) is committed to providing a safe and supportive environment for all employees that is free from discrimination, harassment, bullying and intimidation, as well as to assist in the educational and social integration of transgender and gender nonconforming students in our schools. The District is further committed to ensuring that every employee shall have equal access to the District's programs and activities. Additionally, District policy requires that all schools and all personnel promote acceptance and respect among students and staff.

This policy is intended to be interpreted in light of applicable federal and state laws and regulations, as well as Board of Education policies, procedures and school rules. This policy is not intended to anticipate every possible situation that may occur, since the needs of particular employees and families differ depending on the employee's age and other factors. In addition, the programs, facilities and resources of each school differ. Administrators and school staff are expected to consider the needs of employees on a case-by-case basis, and to utilize this policy and other available resources as appropriate.

The term "transgender" is an umbrella term for an individual whose gender identity or expression is different from that traditionally associated with their assigned sex at birth. An employee will be considered transgender if, at their work location, they consistently assert a gender identity or expression different from that traditionally associated with assigned sex at birth. This includes employees who identify as transgender, or who are gender nonconforming. This involves more than a casual declaration of gender identity or expression, but it does not necessarily require a medical diagnosis.

Employees are encouraged to discuss with building administrators any issues that may arise in relation to their transgender and non-conforming status including but not limited to: privacy; official records; names/pronouns; restrooms; locker rooms; other gender-segregated facilities or activities; dress code; and safety and support for transgender and transitioning employees.

Discrimination/Harassment

It is the responsibility of each school and the District to ensure that transgender and gender nonconforming employees have a safe 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.

Legal References:

NH RSA 354-A:2, XIV-c

Americans with Disabilities Act (28 CFR § 35.07), as amended

Section 504 of the Vocational Rehabilitation Act (29 USC § 794), as amended; 34 CFR § 104.7

Title IX of the Education Amendments of 1972 (20 USC § 1681 et seq.)

Title IV of the Civil Rights Act of 1964 (42 U.S.C. 2000c et seq.)

NH Code Admin. R. Ed. 303.01(i) and (j)

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