

Students

Transgender and Gender Non-Conforming Youth

Purpose

Federal and state law and Newtown Board of Education policy require 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 federal and 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 work collaboratively with the transgender or gender non-conforming student and their family to ensure the safety, comfort, and healthy development of all students.

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.

“Bullying” means the repeated use by one or more students of a written, oral or electronic communication, such as cyberbullying, directed at or referring to another student attending school in the same school district or a physical act or gesture by one or more students repeatedly directed at another student attending school in the same school district that (1) causes physical or emotional harm to such student or damage to such student’s property, (2) places such student in reasonable fear of harm to himself or herself, or of damage to his or her property, (3) creates a hostile environment at school for such student, (4) infringes on the rights of such student at school, or (5) substantially disrupts the education process or the orderly operation of a school.

Bullying shall include, but not be limited to, a written, oral, or electronic communication or physical act or gesture 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 of such characteristics.

“Gender Identity or Expression” means 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 assigned sex at birth, which gender-related identity can be shown by consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity.

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Definitions (continued)

“Gender Non-conforming” describes people whose gender expression differs from stereotypical expectations. This includes people who identify outside traditional gender categories or identify both genders.

“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, gender 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.

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

“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.

Privacy

The Board takes very seriously a student’s right to confidentiality, in accordance with applicable federal and state laws. This includes the right to keep private one’s transgender status or gender non-conforming presentation at school. The confidentiality of information about a student’s transgender status, legal name, or gender assigned at birth shall be maintained, in accordance with all applicable laws. 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’s parent, or student if over the age of eighteen, 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, decisions that shall be made in conjunction with the student’s parent when appropriate.

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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 name or gender upon written request by a transgender or gender non-conforming student’s parent, or the student if over the age of eighteen. Records containing a transgender or gender non-conforming student’s birth name and gender shall be maintained in a confidential manner and protected from disclosure, unless such disclosure is required by law. In situations where school staff or administrators are required by law to use or to report a transgender student’s legal name or gender, 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 or expression, if so requested. 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 and individuals intentionally engaging in such conduct are subject to discipline.

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 in which they feel most comfortable.

Restroom/Locker Room Accessibility

Decisions concerning restroom and locker room accessibility shall be determined on a case-by-case basis through a collaborative discussion between the school and the transgender or gender non-conforming student and their parent. Students shall have access to the restroom and locker room that correspond to their gender identity or expression 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 more private facility. However, no student shall be required to use a private restroom or changing facility because he or she is transgender or gender non-conforming. Any alternative arrangement should be provided in a way that protects the student’s ability to keep their transgender or gender non-conforming status confidential. In no case shall a transgender or gender non-conforming student be required to use a restroom or locker room that conflicts with the student’s gender identity or expression.

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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 or expression.

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 or expression and in compliance with the applicable regulations of the Connecticut Interscholastic Athletic Conference (CIAC).

Dress Codes

Transgender and gender non-conforming students have the right to dress in a manner consistent with their gender identity or expression. In general, District schools 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 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, bullying or violence is given prompt 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.

- (cf. 0521 – Nondiscrimination)
- (cf. 4131 – Staff Development)
- (cf. 5131 – Conduct)
- (cf. 5131.21 – Violent and Aggressive Behavior)
- (cf. 5131.8 – Out-of-School Misconduct)
- (cf. 5131.912 – Aggressive Behavior)
- (cf. 5131.913 – Cyberbullying)
- (cf. 5131.91 – Hazing)
- (cf. 5144 – Discipline/Punishment)
- (cf. 5145.4 – Nondiscrimination)
- (cf. 5145.5 – Sexual Harassment)
- (cf. 5145.51 – Peer Sexual Harassment)
- (cf. 5145.52 – Harassment)
- (cf. 5145.6 – Student Grievance Procedure)
- (cf. 6121 – Nondiscrimination)
- (cf. 6121.1 – Equal Educational Opportunity)

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Transgender and Gender Non-Conforming Youth (continued)

Legal Reference: Connecticut General Statutes
10-15c Discrimination in public school prohibited.
10-209 Records not to be public.

Federal Laws and Regulations
Section 504 of the Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b).
Title IX of the Education Amendments of 1972, 34 CFR Section
106.

Federal Guidance
Dear Colleague Letter on Transgender Students, Office of Civil
Rights (May13, 2016)