

GENDER IDENTITY AND EXPRESSION (TRANSGENDER AND GENDER NON-CONFORMING YOUTH)

The Litchfield Board of Education believes that the school culture shall support student achievement, respect and value all students, and foster understanding of gender identity or expression within the school community. Connecticut law and District policy require that all programs, activities, and employment practices be free from discrimination based on sex, sexual orientation, gender identity or gender expression. The Board is committed to creating a safe learning environment for all students and to ensure that every student has equal access to all school programs and activities.

Fostering this understanding is a joint responsibility that requires cooperation and good communication between the parents/guardians, school administration, school staff and the school community. The Superintendent shall ensure that students with gender identity or expression concerns and their parents/guardians shall be given the opportunity to discuss these issues and participate in the educational planning and programing for their student

To plan for a safe learning environment, parents or guardians of students with gender identity or expression concerns are encouraged to alert the school district and schedule a meeting with the relevant school administrator. Upon request, the Superintendent of Schools or designee shall schedule a meeting with the parent or guardian and the student for the purpose of evaluating the needs of the student and planning any accommodations necessary to the student's achievement.

Definitions

- A. **Gender Identity** is a person's inner sense of being male or female, or neither or both or any combination thereof, regardless of their gender assigned at birth.
- B. **Transgender** is a term which describes people whose gender identity or gender expression is different from their assigned gender at birth.
- C. **Gender expression** refers to the way a person expresses gender to others in ways that are socially defined as either masculine or feminine, such as through behavior, clothing, hairstyles, activities, voice or mannerisms.
- D. **Gender non-conforming** refers to gender-related identity and/or gender expression which does not conform to the social expectations or norms for a person of that gender assigned at birth.
- E. **Transition** refers to the process in which a person goes from living and identifying as one gender to living and identifying as another.

Coordination of School Accommodations

The meeting between the Superintendent of Schools or designee, parents or guardians and the student and other qualified staff or consultants as necessary shall comprise a discussion of

Coordination of School Accommodations (continued)

actions the District and school personnel may take to create safe learning environment, including:

Names/Pronouns

School staff shall be directed to address the student by the name and pronoun corresponding to their gender identity that is consistently asserted at school. To the extent possible and consistent with these guidelines, school personnel shall make efforts to maintain the confidentiality of the student's transgender status.

School documentation such as student IDs shall be issued in the name that reflects a student's gender identity that is consistently asserted at school.

Sports and Physical Education

Transgender students shall be provided the same opportunities to participate in physical education as are all other students. Generally, students may be permitted to participate in physical education and sports in accordance with the student's gender identity that is consistently asserted at school. Participation in competitive interscholastic athletic activities and contact sports will be resolved on a case-by-case.

Restroom and Locker Room Accessibility

The District aims to support transgender students while also ensuring the safety and comfort of all students. The Superintendent or designee, together with the parents or guardians, student and other qualified staff or consultants shall evaluate the use of restrooms and locker rooms by the transgender students and consider the following factors, including, but not limited to:

- A. The transgender student's preference;
- B. Protecting student privacy;
- C. Maximizing social integration of the transgender student;
- D. Minimizing stigmatization of the student;
- E. Ensuring equal opportunity to participate;
- F. The student's age; and
- G. Protecting the safety of the students involved.

A transgender student who expresses a need or desire for increased privacy may be provided with reasonable alternative arrangements. Any alternative arrangement shall be provided to the extent possible in a way that protects the student's ability to keep his or her transgender status confidential.

Restroom and Locker Room Accessibility (continued)

A transgender student should not be required to use a locker room or restroom that conflicts with the student's gender identity.

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.

Privacy

Students who do not want their parents or guardians to know about their transgender 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 or guardians be kept informed about their child. In accordance with law, parents or 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.

Official Records

To the extent that the school is not legally required to use a student's legal name or gender on school records and other documents, the school shall use the name and gender preferred by the student.

Each school is required to maintain a mandatory permanent student record of each student, which includes the legal name of the student as well as the student's biological 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 legal name or legal gender upon receipt of documentation that such change has been made pursuant to a court order. 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.

A student's permanent pupil record may be changed to reflect a change in legal name or gender only upon receipt of documentation that such legal name and/or gender have been changed pursuant to applicable law. The following documentation may be provided:

- A court order or birth certificate demonstrating the student's new name.
- For a legal change of gender, the student must provide a birth certificate indicating the student's legal gender, or a valid passport indicating the student's legal gender.

STUDENTS

5145.53(d)

Legal Reference: Conn. Gen. Stat. § 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”)

Conn. Gen. Stat. § 46a-60 Discriminatory employment practices prohibited Federal Law.

Conn. Gen. Stat. § 10-209 Records not to be public.

Conn. Gen. Stat. § 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, 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).