

# TRANSGENDER AND GENDER NONCONFORMING STUDENTS

[C28]

## I. PURPOSE

This policy is designed to provide direction to employees, students, and parents/guardians when addressing issues that may arise concerning the needs of transgender and gender nonconforming students.

## II. DEFINITIONS

### Gender identity:

Gender identity is a person's actual or perceived gender identity, or gender-related characteristics that are intrinsically related to a person's gender or gender identity, regardless of the person's sex assigned at birth.

### Gender expression:

Gender expression is the way a person externally communicates gender to other people such as through behaviors, clothing, hairstyles, voice, mannerisms, activities, or body characteristics.

### Cisgender:

Cisgender refers to a person whose gender identity corresponds to their sex assigned at birth.

### Gender nonconforming:

Gender nonconforming refers to a person whose gender identity and/or gender expression does not conform to the social expectations or norms for a person of that sex assigned at birth. Other terms that have the same or similar meaning include gender creative, gender variant, gender expansive, gender fluid, or gender atypical.

### Transgender:

Transgender refers to a person whose gender identity or gender expression is different from the person's sex assigned at birth.

### Sexual orientation:

Sexual orientation is a person's emotional and sexual attraction to other people based on the gender of the other person. Sexual orientation is not the same as gender identity. Not all transgender students identify as gay, lesbian, or bisexual, and not all gay, lesbian, and bisexual students display gender-nonconforming characteristics.

### **III. POLICY**

It is the policy of Thetford Academy to provide a safe, orderly, civil, and positive learning environment for all students, regardless of perceived or actual sex, sexual orientation, gender identity, or gender expression.

### **IV. COMPONENTS OF POLICY**

#### **A. Privacy**

All students have the right to privacy. Consistent with those rights provided under the Family Educational Rights and Privacy Act of 1974, a transgender or gender nonconforming student shall be able to discuss and express their gender identity and gender expression openly and to decide when, with whom, and how much of their private information to share with others in the school community.

There may be times when disclosure to school employees of a student's transgender status is necessary in order to fulfill the school's obligations to the transgender student with respect to safety, health, education, and/or anti-discrimination efforts. In all cases, the school shall work closely with the student and their family in devising an appropriate plan regarding the confidentiality of the student's transgender status which works for both the student and the student's family while also meeting competing legal requirements. To the extent possible and consistent with all competing legal requirements, school personnel shall endeavor throughout to maintain the confidentiality of the student's transgender status.

#### **B. Respect**

School employees shall respect any requests by a student to use a name and pronoun that correspond to the gender identity that the student asserts or wishes to assert at school. Students shall not be required to obtain a court-ordered name and/or gender change or to change their pupil personnel records as a prerequisite to being addressed by the name and pronoun that correspond to their gender identity.

#### **C. Student Records**

The Head of School (or his/her designee) shall adopt procedures that ensure that all students' personally-identifiable information is maintained in compliance with FERPA and state- and federally-mandated reporting requirements.

Wherever a student's name and gender on school records may not be changed absent a court order due to state and federal law, efforts shall be taken to maintain those records in strictest confidentiality in order to preserve the student's transgender status and, where appropriate, to maintain an amended version that preserves the confidentiality of that transgender status should a review of the records be required for educational

purposes by Thetford Academy personnel who either are educating the student or will be evaluating the student (for eligibility purposes for example).

A student (or a parent/guardian in the case of a minor student) who is currently enrolled may request retroactive changes to that student's record including name and gender. Such requests shall be handled on a case-by-case basis, with consideration both of the need to maintain legally-accurate records consistent with state- and federally-mandated reporting requirements and of the school's ongoing efforts to maintain internal student confidentiality regarding a student's transgender status.

Permanent pupil records of former students shall be changed by request of a former student who has reached the age of majority or by request of a parent/guardian in the case of a minor student, upon receipt of documentation that the student's legal name and/or gender have been changed pursuant to applicable state law.

#### **D. Use of Gender-Designated Facilities**

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

Any student who expresses a need or desire for increased privacy shall be provided with reasonable alternative arrangements. Reasonable alternative arrangements may include the use of a private area, or a separate changing schedule, or the use of a single-stall restroom. Any alternative arrangement shall be provided in a way that protects the student's ability to keep their transgender status confidential.

The Head of School (or his/her designee) shall make decisions about the use of gender-designated facilities on a case-by-case basis. Numerous factors may be considered, including but not limited to the transgender student's preference, protecting student privacy, maximizing social integration of the transgender student, minimizing stigmatization of the student, ensuring equal opportunity to participate, the student's age, and protecting the safety of the students involved.

#### **E. School Activities**

As a general rule, in any other circumstances where students are separated by gender in school activities (e.g., overnight field trips), students shall be permitted to participate in accordance with the gender identity that they consistently assert at school. Activities that may involve the need for accommodations to address student privacy concerns shall be addressed on a case-by-case basis considering the factors listed in Section D.

## **V. FURTHER INFORMATION**

For more information, see Title IX of the Education Amendments of 1972 and 9 V.S.A. § 4502, which protect all students from sex discrimination, including transgender students and students who do not conform to traditional gender stereotypes.

ADOPTED: June 6, 2019