

**Transgender and Gender Non-Conforming Youth**

The Bethany Board of Education (Board) 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 Board 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 programming for their student.

To plan for a safe learning environment, parents/guardians or students with gender identity or expression concerns are encouraged to alert the Bethany Public School District (District) and schedule a meeting with the Principal. Upon request, the Superintendent or his/her designee shall schedule a meeting with the parent/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**

The definitions provided here are not intended to label students but rather to assist in understanding this regulation and the legal obligations of the District staff. It is recognized that students might or might not use these terms to describe themselves.

- A. **Gender identity** is a person's deeply held sense or psychological knowledge of their own gender, regardless of the gender they were assigned at birth. One's gender identity can be the same or different than the gender assigned at birth. Everyone has a gender identity.
- B. **Transgender** describes people whose gender identity, expression or behavior is different from those typically associated with an assigned sex at birth.
- C. **Gender expression** refers to the manner a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities or mannerisms.
- D. **Gender non-conforming** describes people whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous. This includes people who identify outside traditional gender categories or identify both genders.
- E. **Cisgender** refers to individuals whose gender identity, expression or behavior conforms with those typically associated with their sex assigned at birth.
- F. **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.
- G. **Gender Minority** is an umbrella term referring to individuals not identifying as Cisgender.

- H. **Gender 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. Transitioning may or may not include changing identity documents to reflect one's gender identity.
- I. **Bullying** means an act that is direct or indirect and severe, persistent or pervasive which:
- causes physical or emotional harm to an individual,
  - places an individual in reasonable fear or physical or emotional harm, or
  - infringes on the rights and opportunities of an individual at school.

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

- J. **Harassment** means written, verbal or physical conduct that adversely affects the ability of one or more students to participate in or benefit from the 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, sexual 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.

### **Coordination of School Accommodations**

The meeting between the Superintendent or his/her designee, parents/guardians and the student and other qualified staff or consultants as necessary shall comprise a discussion of actions the District and school personnel may take to create a safe learning environment including:

#### **A. Privacy**

All persons, including students, have a right to privacy. This includes the right to keep private one's 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/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 or 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, or guardian has specified otherwise.

**B. Official Records**

The District recognizes, under the Family Educational Rights and Privacy Act (FERPA), that a student has the right to request the school to change his/her name and gender on such student's school records if the student or parent/guardian if such a student is under eighteen (18) years of age, believe the records are incorrect, misleading, or violate a student's privacy. Upon such request, the school should correct student education records to accurately reflect the student's chosen name and gender identity, regardless of whether the student has completed a legal name change.

**C. 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 District Policy and this Administrative Regulation.

**D. Gender-Segregated Activities**

To the extent possible, the school 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.

**E. Student Information System**

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

**F. Restroom Accessibility**

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.

**G. 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.

**H. 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).

**I. Dress Codes**

Transgender and gender non-conforming students have the right to dress in a manner consistent with their gender identity or gender expression. In general, the school may not adopt dress codes that restrict students' clothing or appearance on the basis of gender.

**J. Discrimination/Harassment**

It is the responsibility of the 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, 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.

**K. Professional Development**

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

Legal References:      Connecticut General Statutes § 1-1n  
                                 Connecticut General Statutes § 10-15c  
                                 Connecticut General Statutes § 10-209  
                                 Connecticut General Statutes § 46a-51  
                                 Connecticut General Statutes § 46a-58  
                                 Connecticut General Statutes § 46a-60  
                                 Connecticut General Statutes § 46a-64(a)(1)(2)  
                                 Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b)  
                                 Public Act 07-62  
                                 Public Act 11-55  
                                 Title IX of the Education Amendments of 1972, 34 CFR § 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)

## **STUDENTS**

## **Regulation 5145.53(b)**

Legal References: 20 U.S.C. 1232g, Federal Family Educational Rights, and Privacy Act of 1974  
“Guidance on Civil Rights Protections and Supports for Transgender Students,”  
Connecticut State Department of Education, June 2017

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