

Transgender and Gender Non-Conforming Youth

The Bethany 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 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 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

- A. **Gender identity or expression** refers to an individual's sense of gender. A person's gender may be different from or the same as the person's sex assigned at birth. Connecticut General Statutes § 1-1 and § 46a-51 defines "gender identity or expression" as a person's gender-related identity, appearance, or behavior, whether or not that identity, appearance, or behavior differs from that traditionally associated with the person's physiology or sex assigned at birth.
- B. **Sex Assigned at Birth** refers to the sex designation recorded on an individual's birth certificate at birth based on biological characteristics.
- C. **Cisgender** refers to individuals whose gender identity, expression, or behavior conforms with those typically associated with their sex assigned at birth.
- D. **Transgender** is a term which describes people whose gender identity, expression or behavior is different from those typically associated with their sex assigned at birth.
- E. **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.
- F. **Gender Minority** is an umbrella term referring to individuals not identifying as Cisgender.
- G. **Gender Transition** refers to the process in which transgender individuals begin asserting the gender that corresponds to their gender identity instead of the sex they were assigned at birth. During gender transition, individuals begin to live and identify as the sex consistent with their gender identity and may dress differently, adopt a new name, and use pronouns consistent with their gender identity. Transitioning may or may not also include medical and legal aspects, including taking hormones, having surgery, or changing identity documents (e.g. driver's license, Social Security record) to reflect one's gender identity.

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 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 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.

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. Gender-Segregated Activities

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)
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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