

## TRANSGENDER AND GENDER NONCONFORMING STUDENTS

I. Purpose

Through the implementation of this policy, it is the goal of VLACS to reduce the stigmatization of and improve the educational integration of gender nonconforming students, maintain the privacy of all students, and foster cultural competence on the part of the staff. This policy does not anticipate every situation that might occur with respect to transgender or gender nonconforming students and the needs of each transgender or gender nonconforming student must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of the transgender or gender nonconforming student while maximizing the student's social integration and minimizing stigmatization of the student.

A student will be considered transgender if the student consistently asserts a gender identity or expression different from that traditionally associated with the student's assigned sex at birth. This involves more than a casual declaration of gender identity or expression, but it does not necessarily require a medical diagnosis.

II. Definitions

The definitions provided here are not intended to label students but rather to assist in understanding this policy and the legal obligations of VLACS staff. Students might or might not use these terms to describe themselves. Staff are encouraged to be sensitive to, and acknowledge how transgender students may wish to be identified.

*Gender Identity:* A person's deeply held sense or psychological knowledge of their own gender, regardless of the gender a person was assigned at birth. Everyone has a gender identity.

*Transgender:* An adjective describing a person whose gender identity or expression is different from that traditionally associated with an assigned sex at birth. Other terms that have similar meaning are transsexual and trans.

*Gender Expression:* The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activity, voice, or mannerisms.

*Gender Nonconforming:* A term for people whose gender expression differs from stereotypical expectations, such as "feminine" boy, "masculine" girls, and those who are perceived as androgynous. This includes people who identify outside traditional gender categories or identify as both genders. Other terms that can have similar meaning include gender diverse and gender expansive.

*Sexual orientation* is defined in RSA 354-A:2, XIV-c, New Hampshire's anti-discrimination statute. Generally, sexual orientation describes a person's romantic and/or sexual attraction. Sexual orientation is different and not the same as gender identity or gender expression. In this policy, sexual orientation refers to an individual's actual or perceived sexual orientation.

### III. Privacy

Students have the right to keep private their transgender or gender nonconforming status at school. School personnel should not disclose information that may reveal a student's transgender status or gender nonconforming presentation to others, including parents and other school personnel, unless legally required to do so or unless the student has authorized such disclosure. Transgender and gender nonconforming 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.

Prior to or at any time following enrollment, a transgender student and the student's parent(s)/guardian(s) may contact the VLACS School Counseling to discuss a student's transgender status. A phone call may be scheduled with a guidance counselor, parent and student. During the meeting, the student may clarify the gender the student identifies with, the student's preferred name, and disclose any other pertinent information the student chooses relating to the student's gender status.

School staff should keep in mind that under FERPA, student records may only be accessed and disclosed to staff with a legitimate educational interest in the information. Disclosures to others should only be made with appropriate authorization from the administration and/or parents/guardians.

### IV. Official Records

VLACS is required to maintain a mandatory permanent pupil record that includes a student's legal name and legal gender. However, VLACS is not required to use a student's legal name and gender on other school records or documents. VLACS 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.

When VLACS is not required to use a student's legal name or legal gender on school records or other documents, VLACS staff should use the preferred name and gender identified by the student.

### V. Names/Pronouns

A student who has been identified as transgender under this policy should be addressed by school staff and other students by the name and pronouns corresponding to the student's gender identity that is consistently asserted at school. A court-ordered name or gender change is not required, and the student need not change his or her official records for this section to apply.

### VI. Safety and Support for Transgender and Transitioning Students

School staff should be sensitive to the fact that transgender and transitioning students may be at higher risk for being bullied or harassed, and should immediately notify the appropriate administrator upon becoming aware of a problem.

## VII. Staff Training and Informational Materials

The Director of Full-Time Programs & Students may institute in-service training and/or distribute educational materials about transgender issues to school staff as deemed appropriate.

Law Reference:

Appendix Reference:

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