

TRANSGENDER AND GENDER NON-CONFORMING STUDENTS

PURPOSE

District policy requires that all programs, activities, and employment practices be free from discrimination based on sex, sexual orientation, or gender identity. This policy is designed in keeping with these mandates to create a safe learning environment for all students and to ensure that every student has equal access to all school programs and activities in accordance with the law.

Students will be considered transgender if, at school, they consistently assert a gender identity or expression different from that traditionally associated with their assigned sex at birth. This involves more than a casual declaration of gender identity or expression, but it does not require a medical diagnosis.

DEFINITIONS

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

"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. Everyone has a gender identity.

"Transgender" describes people whose gender identity is different from their gender assigned at birth.

"Gender expression" refers to the way a person expresses gender, such as clothing, hairstyles, activities, or mannerisms.

"Gender nonconforming" describes people whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous.

Legal References:

Windham School Board	Policy Code: JBAB
Approved: January 30, 2018 Revised: July 12, 2022	

GUIDANCE

A. Privacy

The Board recognizes a student's right to keep private one's transgender status or gender nonconforming presentation at school. School personnel will only disclose information that may reveal a student's transgender status or gender nonconforming presentation to others for educational or safety purposes or when legally required to do so

Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly and, together with their parents or guardians, to decide when, with whom, and how much to share private information themselves.

B. Official Records

The District is required to maintain a mandatory permanent pupil 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.

C. Names/Pronouns

A student has the right to be addressed by a name or 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.

D. Gender-Segregated Activities

To the extent possible, schools should reduce or eliminate the practice of segregating students by gender. In situations where students are segregated by gender, such as for health education classes, students should be included in the group that corresponds to their gender identity.

E. Restroom Accessibility

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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 their gender identity or the underlying reason, should be provided access to a single stall restroom, but no student shall be required to use such a restroom.

F. Locker Room Accessibility

The use of locker rooms by transgender students shall be assessed on a case-by-case basis with the goals of maximizing the student's social integration and equal opportunity to participate in physical education classes and sports, ensuring the student's safety and comfort, and minimizing stigmatization of the student. In most cases, transgender students should have access to the locker room that corresponds to their gender identity consistently asserted at school. Any student who has a need or desire for increased privacy, regardless of their gender identity or the underlying reason, should be provided with a reasonable alternative changing area such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, a P.E. instructor's office in the locker room, or a nearby health office restroom), or with a separate changing schedule (e.g., using the locker room that corresponds to their gender identity before or after other students). Any alternative arrangement should be provided in a way that protects the student's ability to keep his or her transgender status confidential. In no case shall a transgender student be required to use a locker room that conflicts with the student's gender identity.

G. Physical Education Classes & Intramural Sports

Transgender and gender nonconforming 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 nonconforming students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity and in concert with the New Hampshire Interscholastic Athletic Association (NHIAA).

I. Dress Codes

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Transgender and gender nonconforming students may dress in a manner consistent with their gender identity or gender expression consistent with any applicable requirements of the dress code or school rules.

J. Discrimination/Harassment

It is the responsibility of each school and the District to support transgender and gender nonconforming students and to foster a safe school environment. The District will promptly respond to any incident of discrimination, harassment, or violence by investigating the incident, taking appropriate corrective action, and providing students and staff with appropriate resources. School staff should immediately notify an appropriate administrator upon becoming aware of any incidents of discrimination, harassment or violence against transgender or gender nonconforming students. 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.

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