

SCHOOL DISTRICT OF THE CHATHAMS
Chatham, New Jersey**FILE CODE: 5145.7**☐ **Monitored**☐ **Mandated**☒ **Other Reasons****Policy****GENDER IDENTITY AND EXPRESSION**

The Board of Education strives to provide a safe, supportive, and inclusive environment for all

The Board of Education strives to provide a safe, supportive, and inclusive environment for all students.

N.J.S.A. 18A:36-41 directs the Commissioner of Education to establish guidelines outlined in this Policy to provide direction for schools in addressing common issues concerning the needs of transgender students, and to assist schools in establishing policies and procedures that ensure a supportive and nondiscriminatory environment for transgender students.

In furthering this goal, the Board adopts this Policy to address the needs of transgender and gender nonconforming students enrolled in the school district.

For the purposes of this Policy:

1. "Gender expression" refers to the way a student represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.
2. "Gender identity" means a student's deeply held sense or psychological knowledge of their own gender, regardless of the gender they were assigned at birth.
3. "Assigned sex at birth (ASAB)" refers to the biological sex designation recorded on a person's birth certificate upon the initial issuance of that certificate, should such a record be provided at birth.
4. "Gender identity or expression" also means having or being perceived as having a gender-related identity or expression whether or not stereotypically associated with a person's assigned sex at birth.
5. "Gender nonconforming" describes a student whose gender expression differs from stereotypical expectations, such as "feminine" boys, "masculine" girls, and those who are perceived as androgynous.
6. "Transgender" describes students whose gender identity is different from their gender assigned at birth.
7. "Sexual orientation" describes a person's enduring physical, romantic, and/or emotional attraction to another person. Gender identity and sexual orientation are not the same. A transgender person may be straight, lesbian, gay, bisexual, or asexual.
8. "Transition" is the process by which a transgender person recognizes that their authentic gender identity is not the same as the gender assigned at birth, and develops a more affirming gender expression that feels authentic.
9. "Cisgender" refers to individuals whose gender identity, expression, or behavior conforms with those typically associated with their assigned at birth.
10. "Gender expansive/Gender Diverse/Gender Non-Binary/Agender/Gender Queer" are terms that convey a wider, more flexible range of gender identity and/or expression.

GENDER IDENTITY OR EXPRESSION (continued)

The Commissioner of Education has stated that the responsibility for determining a student's gender-related identity rests with the student. Once a student notifies a school official that s/he would like to be referred to by a different pronoun or name, or requests to use the facilities associated with a different gender, his/her school counselor will meet with the student to confidentially discuss the request. During such meeting, the school counselor will also assess the student's parent/guardian's knowledge, if any, of the student's request. If the student's parent/guardian is not aware of the request, the school counselor will assess whether, and to what extent, parents/guardians can be involved. Thereafter, a meeting will be scheduled with the student, his/her school counselor and the school principal (or designee) to discuss the implementation of the student's requests and preferences. Where permitted by law, and with the consent of the student, parents/guardians shall be included in the discussions, meetings, and decisions regarding a student's request. A student's age shall also be taken into consideration during this process.

The Commissioner of Education directs school districts to accept a student's asserted gender identity regardless of parent consent or involvement. If the student does not want his/her parent involved or informed, the school counselor and principal (or designee) will discuss the risks associated with the student's transgender, transitioning, and/or gender identity status being inadvertently disclosed by, for example, other students relaying such information or from the student's own parent/guardian noticing a name change on school records. School counselors and school administrators will have various resources available to students and their parents/guardians regarding different resources to address the needs of transgender and gender nonconforming students in a public school district.

The Board recognizes school related issues regarding transgender students will vary on a case-by-case basis. Therefore, the Principal or designee, along with the student's assigned school counselor, will meet with the student at a confidential meeting to discuss school-related issues such as the name and pronouns to be used by district staff referring to the student and the gender identification to be used on the student's records and/or class assignments.

The District will take reasonable measures to accommodate the needs of transgender, gender-nonconforming, and gender diverse students. The District shall ensure that a student is addressed by their chosen name and pronoun, regardless of whether a legal name change or change in official school records has occurred. The District shall issue school documentation for a student using their chosen name, gender identity, and pronoun.

Harassment, Intimidation, and Bullying

Due to a specific and compelling need, such as the health and safety of a student or an incident of bias-related crime, the school district may be obligated to disclose a student's status. In this event, the Principal or designee should inform the student the school or school district intends to disclose the student's transgender status for the student's protection and well-being. Prior to disclosure, the student should be given the opportunity to personally disclose that information. The school district should make every effort to ensure any disclosure is made in a way that reduces or eliminates the risk of re-disclosure and protects the transgender student from further harassment. Those measures may include the facilitation of counseling for the student and the student's family to facilitate the family's acceptance and support of the student's transgender status.

Activities

All students must be allowed to participate in a manner consistent with their gender identity. The District shall:

- Provide transitioning, gender-nonconforming, gender expansive, and transgender students with the same opportunities to participate in physical education and school activities as cisgender students

GENDER IDENTITY OR EXPRESSION (continued)

- Permit and support the formation of student clubs or programs affirming and addressing issues related to LGBTQ youth

Athletics/Sports

In accordance with the New Jersey State Interscholastic Athletic Association (“NJSIAA”) transgender policy, a transgender student shall be eligible to participate in accordance with either their assigned sex at birth or in accordance with their gender identity, but not both.

Use of Facilities

Transitioning, transgender, gender-nonconforming and/or gender-expansive students will be provided access to facilities, including but not limited to restrooms, locker rooms, and changing facilities in accordance with their gender identity where feasible and appropriate after consideration of the student’s age and unique circumstances.

In all cases, the Principal or designee must work with the student and school staff members so all parties are aware of facility policies. The school district must provide reasonable alternative arrangements for any student who expresses a need or desire for increased privacy. Reasonable alternative arrangements may include a single occupancy restroom, use of a private area, or separate changing schedule. The alternative arrangements must be made available to students, who request them, but some students may not want the option of alternative arrangements.

Confidentiality and Student Records

A school district shall keep confidential a current, new, or prospective student’s transgender or transitioning status. Schools should address gender non-conforming, transgender, or transitioning students by their chosen name. The student’s birth name should be kept confidential by school and district staff. This file containing records of a student’s birth name should only be shared with appropriate staff after consultation with the student.

If the student has previously been known at school or in school records by a birth name, the principal should direct school personnel to use the student’s chosen name and not the student’s birth name. To ensure consistency among teachers, school administrators, substitute teachers and other staff, every effort should be made to immediately update student education records (i.e. attendance records, transcripts, individuals education programs, etc.) with the student’s chosen name and gender pronouns, consistent with the student’s gender identity and expression, and not circulate records with the student’s birth name, unless directed by the student.

The District shall report to the New Jersey Department of Education through NJ SMART a student’s name or gender based upon that student’s chosen name and corresponding gender identity. Changing the name or gender identity from what was reported in previous years will not affect the reliability of the data reported.

If the District changes a student’s name or gender identity, it must also maintain locally a separate record reflecting the student’s legal name and sex assigned at birth until receipt of documentation of a legal change of name or gender.

GENDER IDENTITY OR EXPRESSION (continued)

Disclosure of personally identifiable information from a student's education record to other school officials within the district, whom the district has determined have a legitimate educational interest in the information, may be permissible under FERPA.

The Board adopts this Policy to help school and district administrators take steps to create an inclusive environment in which transgender and gender nonconforming students feel safe and supported, and to ensure each school provides equal educational opportunities for all students, in compliance with N.J.A.C. 6A:7-1.1 et seq.

Adopted: January 8, 2024

Key Words

Gender Identity, Transgender, Gender Expression, Gender Non-conforming

Legal References: N.J.S.A. 2C:16-1 Bias intimidation
 N.J.S.A. 2C:33-4 Harassment
 N.J.S.A. 10:5-1 et seq. Law Against Discrimination
 N.J.S.A. 18A:6-5 Inquiry as to religion and religious tests prohibited
 N.J.S.A. 18A:6-6 No sex discrimination
 N.J.S.A. 18A:26-1 Citizenship of teachers, etc.
 N.J.S.A. 18A:26-1.1 Residence requirements prohibited
 N.J.S.A. 18A:29-2 Equality of compensation for male and female teachers
 N.J.S.A. 18A:37-14 Harassment, intimidation, and bullying defined;
 through -19 definitions
 N.J.S.A. 18A:36-20 Discrimination; prohibition
 N.J.S.A. 18A:36-41 Development, distribution of guidelines concerning
 transgender students
 N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education
 N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Executive Order 11246 as amended

29 U.S.C.A. 201 - Equal Pay Act of 1963 as amended

20 U.S.C.A. 1681 - Title IX of the Education Amendments of 1972

42 U.S.C.A. 2000e et seq. - Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972

Comprehensive Equity Plan, New Jersey Department of Education

Doe v. Regional School Unit 26, No. 12-582 (Me. Jan. 30, 2014)

New Jersey Department of Education, Transgender Student Guidance for School Districts, September 2018.

<https://nj.gov/education/students/safety/sandp/transgender/Guidance.pdf>.

NJSIAA, Constitution, Bylaws, Rules and Regulations, Transgender Policy (pg. 75),

<http://www.njsiaa.org/resources/njsiaa-handbook>

GENDER IDENTITY OR EXPRESSION (continued)**Possible**

Cross References:	*2224	Nondiscrimination/affirmative action
	*4111	Recruitment, selection and hiring
	*4111.1	Nondiscrimination/affirmative action
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*4211.1	Nondiscrimination/affirmative action
	*4231/4231.1	Staff development; inservice education/visitations/conferences
	*5131	Conduct/discipline
	*5131.1	Harassment, intimidation and bullying
	*5145.4	Equal educational opportunity
	*6121	Nondiscrimination/affirmative action
	*6145	Extracurricular activities

*Indicates policy is included in the Critical Policy Reference Manual.

The following organizations provide support to transgender individuals:

- [GLSEN](#) model policy. GLSEN is a prominent organization supporting GLBT youth. They have resources about creating safe and supportive environments for students.
- [The Trevor Project](#) is the leading national organization focused on crisis and suicide prevention efforts among lesbian, gay, bisexual, transgender and questioning youth.

Resources For Parents, Educators, And Service Providers:

Founded in 1972 with the simple act of a mother publicly supporting her gay son, PFLAG is the nation's largest family and ally organization.

PFLAG Resources

- [Welcoming our Trans Families and Friends](#)

Download this free guide (PDF) to get the basics on what being transgender means, how to talk about it, and how to find the resources that can support you.

- [Find a PFLAG Chapter.](#)

There are more than 350 chapters of Parents, Families and Friends of Lesbians and Gays (PFLAG) across the U.S. Find one near you right now.

Partner Organizations Resources

- [National Center for Transgender Equality](#)

Knowing and using correct language can be very important to transgender and gender non-conforming people, just like everyone else. Here is a handy terminology guide regarding gender identity.

- [American Psychological Association](#)

This downloadable pamphlet from the APA answers questions about transgender people, gender identity and gender expression.

Parent and Educator Resources

- [Gender Spectrum](#)

GENDER IDENTITY OR EXPRESSION (continued)

Raising children who don't fit neatly into male or female boxes brings a wealth of questions and uncertainties. Here you will find information and support to assist you in your search for answers.

- [Trans Youth Equality Foundation](#)

The Trans Youth Equality Foundation is based in Maine, but offers education, advocacy and support for transgender and gender non-conforming children and youth and their families everywhere by sharing information about the unique needs of this community and partnering with families, educators and service providers to help foster a healthy, caring, and safe environment for all transgender children.

- [Families in TRANSition: A Resource Guide for Parents of Trans Youth](#)

Families in TRANSition: A Resource Guide for Parents of Trans Youth is the first comprehensive Canadian publication (created by Central Toronto Youth Services) to address the needs of parents and families supporting their trans children. It summarizes the experiences, strategies, and successes of a working group of community consultants – researchers, counselors, parents, advocates as well as trans youth themselves.

- [Matt Kailey, author of My Child is Transgender: 10 Tips for Parents of Adult Trans Children](#)

This gentle and easy-to-use FAQ gives people an accessible set of guidelines that can be used in everyday life.

- [Working with Transgender Youth \(Lambda Legal & Child Welfare League of America\)](#)

Like all young people in care, transgender youth are entitled to bias-free attention to their unique needs and to be safe in their placements and services. This guide, created by Lambda Legal and the Child Welfare League of America, provides child welfare professionals who work with transgender young people with education about transgender issues and tools to help prepare them to work sensitively with these clients.

- [Trans Youth Family Allies \(TYFA\)](#)

TYFA works to empower children and families by partnering with educators, service providers and communities, to develop supportive environments in which gender may be expressed and respected. They envision a society free of suicide and violence in which all children are respected and celebrated.