**MASTERY SCHOOLS OF CAMDEN**

**TRANSGENDER AND GENDER NON-CONFORMING YOUTH**

**Purpose**

The Mastery Schools of Camden Board of Trustees is committed to providing a safe, supportive, and inclusive learning environment for all students, and to ensure that every student has equal educational opportunities and equal access to educational programs and activities.

As such, the Board, administration, staff, and students will comply with Federal and state laws which require that all programs, activities, and employment practices be free from discrimination based on sex, sexual orientation, or gender identity or expression. 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.

This policy sets out guidelines and expectations for addressing the needs of transgender and gender non-conforming students and clarifies how state and federal law should be implemented in situations where questions may arise about how to protect the legal rights or safety of such students. This policy does not anticipate every situation that might occur with respect to transgender or gender non-conforming students and the needs of each transgender or gender non-conforming student must be assessed on a case-by-case basis. In all cases, the goal is to not exclude, separate, deny benefits to, or otherwise treat differently on the basis of sex any person in the school’s educational programs or activities (unless expressly authorized to do so under Title IX or its implementing regulations).[[1]](#footnote-1)

Under the interpretation of Title IX and its regulations by the Department of Justice and the Department of Education Office of Civil Rights, when a student or a student’s parent or guardian, as appropriate, notifies the school administration that the student will assert a gender identity that differs from previous representations or records, the school will begin treating the student consistent with the student’s gender identity.

**Definitions**

The definitions provided here are not intended to label students but rather to assist in understanding the obligations of school staff and the contents of this policy. It is recognized that students may or may 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. One’s gender identity can be the same or different than the gender assigned at birth.

**“Transgender”** describes people whose gender identity or expression is different from that traditionally associated with an assigned sex at birth.

**“Gender expression”** refers to the manner a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, or mannerisms.

**“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 as both genders.

“**Sex assigned at birth”** refers to the sex designation recorded on an infant’s birth certificate should such a record be provided at birth.

**“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. Transgender individuals may take hormones or undergo surgical procedures to change their bodies to better reflect their gender identity. Such transition can happen swiftly or over a long duration of time.

**Guidance**

**Privacy**

Information about a student’s transgender status, legal name, or sex assigned at birth constitutes personally identifiable information (“PII”) under the Family Educational Rights and Privacy Act (“FERPA”). School personnel should not permit the nonconsensual disclosure of PII, such as a student’s birth name or sex assigned at birth. Any records kept with this information will be kept confidential by the school.

School personnel should not disclose information that may reveal a student’s transgender status or gender non-conforming presentation to others unless legally required to do so or the student has authorized such disclosure, or, in the determination of school officials, it becomes necessary to protect the transgender student’s safety. Before making such a disclosure, a school administrator shall make reasonable efforts to inform the transgender student or his/her Parents of the decision to disclose, the reason(s) for disclosure, and provide the student with the opportunity and resources they may need to make the disclosure themselves. 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 private information they share.

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.

Under FERPA, schools may designate certain information from a student’s education record as “directory information,” and disclose that information without student or parent consent, if disclosure would not generally be considered harmful or an invasion of privacy. Directory information may include a student’s name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. School officials may not designate students’ sex, including transgender status, as “directory information,” and shall allow eligible students or parents a reasonable amount of time to request that the school not disclose a student’s directory information.

**Official Records**

The school is required to maintain educational records on behalf of its students (“official record”) which includes a student’s legal name and sex assigned at birth. However, the school is not required to use a student’s legal name and sex assigned at birth on other school records or documents. The school will change a student’s 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.

Students will be treated consistent with their gender identity even if their education records or identification documents indicate a different sex.

Parents (or students over age 18) may seek to amend their education records pursuant to FERPA to make them consistent with the student’s gender identity. Under FERPA, schools must consider the request of an eligible student or parent to amend information in the student’s education records that is inaccurate, misleading, or in violation of the student’s privacy rights. Requests will be considered and structured in a manner consistent with FERPA and Title IX; if the school does not elect to amend the record at the student or parent’s request, it will inform the student and parent of the student’s right to a hearing.

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 this policy and may be a violation of Title IX regulations.

**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 able to choose and be included in the group that corresponds to their gender identity.

**Student Information Systems**

The school shall modify its student information system, as necessary, to prevent disclosure of confidential information and ensure that school personnel use a student’s preferred name and pronouns consistent with the student’s gender identity. The official permanent record will be stored in a secure location, separate from other student records in order to protect student privacy.

**Restroom and Locker Room Accessibility**

Mastery schools may provide separate restroom and locker room facilities on the basis of sex but will permit transgender students access to the facilities that are consistent with their gender identify.

Any student who has a need or desire for increased privacy, regardless of the underlying reason, will be provided access to a single user restroom. However, no transgender student shall be required to use facilities inconsistent with their gender identify or to use individual-user facilities when other students are not required to do so.

**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. Students who express discomfort over participation in an activity will be provided with an alternate activity.

Nothing in this policy shall be construed to excuse any student from following necessary or customary protocols for obtaining parental consent for athletic participation, including permission slips, consent forms and waivers. All staff will adhere to this policy when advising transgender students about the process for obtaining such parental consent.

**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 New Jersey State Interscholastic Athletic Association (NJSIAA).

**Dress Code**

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.

**Discrimination/Harassment**

It is the responsibility of the school 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 sex-based discrimination or harassment complaints.

1. 20 U.S.C. §§ 1681-1688; 34 C.F.R. Pt. 106 (implementing regulations). Title IX of the Education Amendments of 1972 (Title IX) [↑](#footnote-ref-1)