

Policy Title:	Transgender and Other Gender-Diverse Students	Policy ID:	
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I. Purpose of Policy

The purpose of this policy is to provide direction for administrators, staff, students, and parents to address issues that may arise concerning the needs of transgender and other gender-diverse students. Title IX of the Education Amendments of 1972, and 9 V.S.A. 4502¹ protect all students from sex discrimination, including transgender students, gender-nonbinary students, and students who do not conform to traditional gender stereotypes.²

II. Policy Scope

All schools in the Hartford School District must comply with this policy.

III. Definitions³

- “Cisgender” describes a person whose gender identity aligns with their sex assigned at birth.
- “Gender-conforming” describes a cis-gender person who also has a gender expression that is typical for their gender identity.
- “Gender-diverse” includes binary transgender people (transgender boys/men and transgender girls/women) as well as nonbinary (not simply a boy or girl or a man or a woman) people.
- “Gender expression” means the ways in which a person externally communicates or expresses gender such as through behaviors, clothing, hairstyles, voice, mannerisms,

¹ Vermont’s Public Accommodations Act prohibits the discrimination on the basis of “race, creed, color, national origin, marital status, sex, sexual orientation, or gender identity of any person.” 9 V.S.A. § 4502.

² The recommendation for districts to adopt a Transgender and Gender Nonconforming Students policy was made in response to federal guidance issued May 2016 ([US Department of Education Office of Civil Rights and US Department of Justice Office of Department of Justice Civil Rights Division Dear Colleague Letter on Transgender Students, May 13, 2016.](#))

³ Definitions are adapted from the Vermont Agency of Education guidance document, “Best Practices for Schools Regarding Transgender and Gender Nonconforming Students.”

activities, or body characteristics. Note: Some cis-gender people have a gender expression that does not match societal norms for their gender. These people are gender-diverse by virtue of their gender expression, not their gender identity. They are equally covered under this policy.

- “Gender identity” is a person’s deeply held, abiding sense of who they are in terms of their gender(s) or lack thereof. Some examples of gender identity are boy/man, girl/woman, bigender (such as part man, part woman), agender (having no gender), and gender-fluid (changing genders regularly).
- “Sexual orientation” is a person’s sexual attraction to someone else based on the sex or gender of the other person. Sexual orientation is entirely distinct from gender identity.
- “Transgender” describes a person whose gender identity does not align with their sex assigned at birth, and/or whose gender expression does not conform to the social expectations for their sex or gender. A trans woman is a woman whose sex was assigned male when she was born. A trans man is a man whose sex was assigned female when he was born.

IV. Policy Statement

It is the policy of the Hartford School District to provide a safe, orderly, civil and positive learning environment for all students, regardless of perceived or actual gender identity, gender expression, or sexual orientation. It is the position of the Hartford School District that gender-diverse individuals deserve the same acknowledgement of and inclusion as who they are that cis-gender individuals do.

Privacy

All students have the right to privacy. Consistent with those rights provided under the Family Educational Rights and Privacy Act of 1974, a gender-diverse student will be allowed to discuss and express their gender identity and gender expression openly and to decide when, with whom, and how much of their private information to share with others.

In addition, school staff will respect any requests to use a name and pronoun that corresponds to the student’s gender identity that the student asserts or wishes to assert at school. There will be no prerequisites preventing any student from being addressed by the name and pronoun that corresponds to their gender identity⁴, except for the student’s own stated wish for those to be known or used.

⁴ Under Title IX, a school must treat students consistent with their gender identity even if their education records or identification documents indicate a different sex. The Departments of Education and Justice have resolved Title IX investigations with agreements committing that school staff and contractors will use pronouns and names

To the extent possible, and consistent with all competing legal requirements, school personnel will endeavor throughout to maintain the confidentiality of the student's gender-diverse status⁵.

Student Records

The superintendent will adopt procedures that ensure that all students' personally identifiable information is maintained in compliance with FERPA⁶ and state and federally mandated reporting requirements.

To the extent that the school is not legally required to use a student's legal name or gender identity on school records and other documents, the school will use the name and gender identity preferred by the student⁷.

Where a student's record(s) can not be changed absent court order due to state and federal law, efforts will be taken to maintain those records in strictest confidentiality in order to preserve the student's gender-diverse status as private. Where appropriate, an amended version will be maintained which preserves the confidentiality of that status where a review of the record is

consistent with a transgender student's gender identity. (From *Dear Colleague* letter of May 13, 2016).

⁵ Even when a student has disclosed the student's transgender status to some members of the school community, schools may not rely on this FERPA exception to disclose PII from education records to other school personnel who do not have a legitimate educational interest in the information. Inappropriately disclosing (or requiring students or their parents to disclose) personally identifiable information from education records to the school community may violate FERPA and interfere with transgender students' right under Title IX to be treated consistent with their gender identity. (From *Dear Colleague* letter of May 13, 2016).

⁶ Family and Educational Rights and Privacy Act, 34 CFR Part 99.

⁷ There is no medical diagnosis or treatment requirement that students must meet as a prerequisite to being treated consistent with their gender identity. Because transgender students often are unable to obtain identification documents that reflect their gender identity (e.g., due to restrictions imposed by state or local law in their place of birth or residence) requiring students to produce such identification documents in order to treat them consistent with their gender identity may violate Title IX when doing so has the practical effect of limiting or denying students equal access to an educational program or activity. (From *Dear Colleague* letter of May 13, 2016).

required for educational purposes by either school personnel responsible for the education of the student or personnel who will be evaluating the student (for eligibility purposes, for example).

A student who is currently enrolled may request retroactive changes to that student’s record including name and gender identity. Such requests will be handled on a case-by-case basis balancing the maintenance of legally accurate records consistent with state and federal mandated-reporting requirements with this policy’s requirement to maintain internal student confidentiality regarding a student’s gender-diverse status.

Notwithstanding the prior language, a student shall have the right to change the name and gender shown in the official school records and transcripts maintained upon the student’s graduation or departure from the district.

Use of Gender-Segregated Facilities

A gender-diverse student will not be required to use a locker room or restroom that conflicts with the student’s gender identity⁸. Restrooms and changing spaces will be located within easy access of student classrooms and on-site activities and shall be labeled to promote clarity.

Any alternative arrangement will be provided in a way that protects a student’s ability to keep their gender status confidential.

School Activities

In any other circumstances where students are separated by gender in school activities (i.e. overnight field trips), students will be permitted to participate in accordance with their gender identity consistently asserted at school. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case-by-case basis considering the factors listed above.

Legal Reference(s):

9 V.S.A. § 4502

Responsible Owner:	Hartford School District	Contact(s): email	debalsit@hartford schools.net
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⁸ *G.G. v. Gloucester Cnty. Sch. Bd.*, (4th Cir. Apr. 19, 2016).

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