

TRANSGENDER AND GENDER NON-CONFORMING STUDENTS

I. PURPOSE

The Gilford School 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.

This policy sets out guidelines for schools and district staff to address the needs of transgender and gender nonconforming students and clarifies how state 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 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.

II. 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.

III. GUIDANCE

A. Privacy

The Gilford School Board recognizes a student's right to keep private one's transgender status or gender nonconforming presentation at school. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential information. 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.

When contacting the parent or guardian of a transgender or gender nonconforming 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.

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 and 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. 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.

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

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 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 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.

Interscholastic athletic activities should be addressed through the NHIAA participation policy, Article III, Section 5.

I. Dress Codes

Transgender and gender nonconforming students have the right to dress in a manner consistent with their gender identity or gender expression. In general, schools may not adopt dress codes that restrict students' clothing or appearance on the basis of gender.

J. Discrimination/Harassment

It is the responsibility of each school and the District to ensure that transgender and gender nonconforming 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 discrimination or harassment complaints.

(Adopted:)

IHBAA - EVALUATION REQUIREMENTS FOR CHILDREN WITH SPECIFIC LEARNING DISABILITIES

(Download policy)

Category: Priority/Require by Law

See also IHBA

The District will ensure that all evaluation requirements for children with learning disabilities are evaluated consistent with applicable state and federal laws and regulations. All staff, students, parents and other interested persons are directed to the New Hampshire Department of Education Special Education Policies and Procedures Manual.

NHSBA Note, September 2016: Significant changes and amendments are made to this Sample Policy following NHSBA consultation with the NHDOE Special Education Department and other special education practitioners. The intent of these revisions is to ensure compliance with all special education rules as well as to ensure consistency with NHDOE recommendations. Since such evaluations are required to be followed by all school districts, recitation of laws specific to special education evaluation via school board policy is unnecessarily repetitive and duplicative. Rather, a statement directing interested persons to the NHDOE's Special Education Procedures Manual is within the school board's policy-making role.

Legal References:

NH Code of Administrative Rules, Section Ed 1107.02(b), Evaluation Requirements for Children With Specific Learning Disabilities
Appendix IHBAA-R

Revised: September 2016
New Policy: April 2009

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GILFORD SCHOOL DISTRICT

School Administrative Unit Seventy Three

2 Belknap Mountain Road
Gilford, NH 03249

Tel: (603) 527-9215
Fax: (603) 527-9216

Kirk Beitler
Superintendent of Schools

Scott Isabelle
Assistant Superintendent for Business

November 14, 2019

Skip Murphy
9 Gilford Glen Road
Gilford, NH 03249

Re: Right-to-Know Law Request

Dear Mr. Murphy:

Tuesday, November 12, I received a copy of the "Right to Know Demand" that you gave the Gilford School Board members at their last meeting. You wanted a list of authorizing legislation for Guidance C in Policy JBAB.

The Board is considering a sample policy from New Hampshire School Boards Association to comply with the law.

The Right-to-Know Law requires the District to provide pre-existing documents that are not exempt from disclosure. It does not require the District to create lists or answer questions. The District does not have the document you requested.

Sincerely,

Kirk Beitler
Superintendent

JBAB - TRANSGENDER AND GENDER NON-CONFORMING STUDENTS

(Download policy)

Category: Optional

I. PURPOSE

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This policy sets out guidelines for schools and district staff to address the needs of transgender and gender nonconforming students and clarifies how state 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 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.

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III. GUIDANCE

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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.

When contacting the parent or guardian of a transgender or gender nonconforming 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.

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 and 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. 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.

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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

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 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 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.

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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.

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Transgender and gender nonconforming students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity.

I. Dress Codes

Transgender and gender nonconforming students have the right to dress in a manner consistent with their gender identity or gender expression. In general, schools may not adopt dress codes that restrict students' clothing or appearance on the basis of gender.

J. Discrimination/Harassment

It is the responsibility of each school and the District to ensure that transgender and gender nonconforming 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 discrimination or harassment complaints.

New Sample Policy: April 2015

NHSBA Note, April 2015: This new sample policy has been developed in response to NHSBA member inquiry and request.

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federal laws, regulations and court decisions, and other relevant education activity.

C. Names/Pronouns: A student who has been identified as transgender under this policy has the right to be addressed by a name or pronoun that corresponds to the student's gender identity that is consistently asserted at school.

F. Locker Room Accessibility: The use of locker rooms requires schools to consider a number of factors, including but not necessarily limited to the safety and comfort of students; the transgender student's preference; student privacy; the ages of students; and available facilities. As a general rule, transgender students will be permitted to use the locker room assigned to the gender which the student consistently asserts at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason will be provided with a reasonable alternative changing area.

G. Other Gender-Segregated Facilities or Activities: As a general rule, in any other facilities or activities when students may be separated by gender, transgender students may participate in accordance with the gender identity consistently asserted at school. Interscholastic athletics should be addressed through the NHIAA participation policy, Article II, Section 21.

H. Dress Code: All students are required to meet the requirements in the dress code or school rules. Transgender students may dress in accordance to the gender which the student consistently asserts at school.

IV. STAFF TRAINING

1. The Superintendent and/or building principal may institute in-service training and/or distribute educational materials about transgender issues to school staff as deemed appropriate.
2. Teachers and other staff who have responsibilities for a transgender student with a plan, as outlined in this policy, will receive support in implementing the plan.

Hello and Good Morning,

Dear Mr. Beitler,

This email is a follow up from our phone conversation back on Sept. 9th.

Dear Gilford School Board Members,

I would also like to address each of you in this email, regarding many unanswered questions that many of us in the Gilford community share pertaining to the new JBAB policy. There are many points to touch on, but I first want to reiterate what I said at last's school board meeting and that I do endeavor to engage on this policy with you civilly and respectfully. I must state that over the last couple years this board has been doing a lot of good things for its students and its taxpayers.

I would like to preface with a couple of statements. I believe that it is my duty and right, as a community member, as the father of my three children, and as someone with deep roots in this town, to stand up for what is right, and let me clearly say, this policy is not right. Let's not deceive ourselves; SB 263 does not mandate gender neutral bathrooms or locker rooms. A Childs education is not discriminated against because they have to use the bathroom or locker room of their genetic makeup, nor do we send our children to school to be educated on these subjects. This JBAB policy is overwhelmingly one sided. It favors one particular type of person's rights, needs, and privacy over the vast majority of others. No one is saying or believes a student shouldn't be able to express themselves in any way, shape or form, but rather that it is completely unfair and unjust for that expression of one or two to infringe upon the rights of all other children. We are talking about children. A common thread amongst parents I've heard from is their dismay that this intrusive policy actually applies to elementary school aged children. Children who have not yet even started puberty are now being confronted with a very sexual subject. These very young children are being robbed of their innocence. These children do not possess the cognitive capability to possibly understand the complex nature of what is being imposed upon them. Conversations have to be had with 5-10 year olds about a topic they shouldn't have to be exposed to. I can tell you parents are explicitly telling their children that someone may change their name or the way they present themselves, but it does not change the scientific facts we all learned in biology; humans have two genders, male and female. You either have a penis or a vagina. We will continue to teach our children to be respectful and kind, but we will not teach them into thinking a person can change their gender just because they identify as such.

It has been made know to me that this "policy" has already begun to be abused. I've heard from multiple middle school and high school students that heterosexual boys have already gone into the girl's bathroom finding it extremely comical. A particular High school student said she was very uncomfortable using the girl's bathroom at school. I can't imagine my daughter being put into this situation – Imagine a girl unexpectedly menstruating...maybe for this first time? How would her rights and privacy be protected? Would the emotional damage have already been done? It's not hard to imagine what else could go wrong. I have also heard (to no surprise), that tampons (now conveniently placed in the BOYS room) are also being used to vandalize the facilities and as practical jokes.

I previously mentioned there are lawsuits moving their way through the Connecticut court systems dealing with biological male athletes unfairly competing against females. Recently the Olympics released the results of a major study that showed even after a full year of hormones and testosterone blockers that biological males still poses a physical advantage. From bone density, to muscle mass, to the "quick twitch" muscles superior athletes poses. Do you personally think it is fair to allow biological males to compete in athletics against females?

We know of a lot of people who have been reluctant to speak out from fear of being unfairly labeled as a bigot or as intolerant. A lot of these people own businesses and can't afford the negative press, but one

thing conveyed to me is that moving forward, they WILL be engaging in various ways and certainly are now paying much closer attention to what is happening in our school district.

I don't personally know any of you, so I am going at this from the perspective that maybe you don't wholeheartedly agree with this either. If that be the case, then I hope to encourage you by saying the majority of your constituents are not for this, and they hope you will reconsider, and revise this policy to benefit the needs and interests of all students.

Best,
Kyle & Megann Sanborn

Please see below the un-answered questions regarding this JBAB policy:

Q. Do you believe that female students not wanting to share bathroom/locker rooms/sports with biological males make them bigoted, intolerant or hateful?

Q. What specifically constitutes "discrimination"

Q. It says in the minutes (when this policy was voted on) that parents made this request / demand. How many parents were making this request / demand?

Q. I saw that no Gilmanton delegates were present at the meeting. I can understand commencing a meeting only having a quorum for minor issues, but with an issue as invasive and broad reaching as this, why wasn't a meeting better scheduled to encompass all of the elected officials?

Q. Is any part of this policy also applicable to the general public?

Q. Would a chaperone for a field trip or a person at a basketball game be permitted to use the bathroom of their choice?

Q. Are there plans to teach children about gender identity in the curricula and how will you plan to deal with parents who say no?

Q. Does the districts sexual education curriculum contain material related to gender identity?

Q. What is the sexual education curriculum is used by the district?

Q. Where can I find the form to officially “opt out” of any sexual education provided by this school district?

Q. In this policy it states in **SECTION I. Purpose:** ... *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. Please explain why the **safety comfort and healthy development** for one or two students is to be promoted at the expense of all other students?*

Q. Please site any legitimate studies you are aware of which could conclusively show there are no adverse psychological effects to heterosexual children, by forcing them to share bathrooms and locker rooms with a trans-gendered student.

III. GUIDANCE

A. Privacy

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.

So long a child is a minor, keeping this information from a parent would seem like an obvious violation of FERPA (family educational rights and privacy act) and grounds for legal action. In cases like these the plaintiffs (parents) have been given the majority of favorable rulings.

Q. How is this not a blatant violation of parent's right?

Q. Are you not concerned with getting sued over this?

Q. What would you do in the event that a student identified as transgender or a staff member claimed the student was transgender but the student's parents said the student was not transgender? Would the Gilford School District threaten to call NH DCYF on the parents?

C. Names/Pronouns

A student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity... 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.

Q. Do you believe this is compelled speech and a clear violation of the 1st amendment?

Q. How will you deal with a student who openly rejects the idea that boys can become girls and vice versa simply by saying that they are the opposite gender?

Q. If the above mentioned question is a violation of this policy than that what is the penalty?

F. Locker Room Accessibility

Remember, there is nowhere in SB263 which says anything about bathrooms or locker rooms.

Q. Do you think it is fair to make the majority of students feel uncomfortable and vulnerable by having to share these facilities?

Q. How many local tax dollars are being spent on tampons to be placed in the boy's bathrooms?

Q. Students are told to use single stall bathrooms if they feel uncomfortable, has anyone verified local, state, or federal code to see if student to toilet ratios are being violated? Some states mandate a certain number for each gender and do not include gender neutral bathrooms in their formulas.

Q. Is there any mechanism in place to compare the avg. time it took a student to use the bathroom prior to this policy vs. now?

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I. PURPOSE

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This policy sets out guidelines for schools and district staff to address the needs of transgender and gender non-conforming students and clarifies how state 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 ensure the safety, comfort, and healthy development of the transgender or gender non-conforming student while maximizing the student's social integration and minimizing stigmatization of the student.

When a student or the 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. Under Title IX, 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.

This procedure will be used to address needs raised by transgender students and/or their parent(s)/guardian(s).

- 1. A transgender student and/or their parent(s)/guardian(s) should contact the student's counselor or building administrator. In the case of a student who has not yet enrolled in school, the appropriate building administrator should**

GSD Proposed Policy

11-1-16 Policy Committee

12-6-16 Policy Committee – 2nd reading

1-9-17 School Board Meeting – 1st reading

1-12-2017 Sent to GEA for feedback

2-6-17 School Board Meeting – 2nd reading

2-14-17 Policy Committee – 3rd reading

9-10-2019 Policy Committee – 4th reading

10/1/2019 Policy Committee – 5th reading

be contacted.

2. A meeting should be scheduled to discuss the student's particular circumstances and needs. In addition to the student, parent(s)/guardian(s) and building administrator, participants may include the school counselor, school nurse, teachers and/or other school staff, and possibly outside providers who can assist in developing a plan for that student.
3. A written plan will be developed by the school, in consultation with the student, parent(s)/guardians(s) and others as appropriate, to address the student's particular needs. If the student has an IEP or a 504 Plan, the provisions of these plans should be taken into consideration in developing the plan for addressing transgender issues.
4. If the parties cannot reach an agreement about the elements to be included in the plan, the building administrator and/or Superintendent shall be consulted as appropriate.

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"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.

"Cisgender" refers to a person whose gender identity and expression are aligned with those traditionally associated with their assigned sex at birth.

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“Gender non-binary” describes an individual whose gender identity and/or expression does not align with the gender binary of male or female. A gender non-binary person may describe their gender identity and/or expression as androgynous, genderfluid, genderqueer, agender, non-labeling, etc.

Genderfluid describes an individual whose gender identity and/or expression may be gender non-conforming or non-binary, who has a wider and more flexible range of gender expression that may even change from day to day. While the gender expression of a student who is genderfluid is flexible or may appear to change with some frequency, their genderfluid identity can be recognized as the “gender which the student consistently asserts at school” in regards to the policy.

“Gender Transition” is the process by which a person goes from living and identifying as one gender to living and identifying as another gender. Gender transition is typically prompted by the feeling that an individual’s gender identity does not match the one typically associated with their assigned sex at birth. Examples include: transitioning from a boy to a girl, a girl to a boy, a girl to gender non-binary, or a boy to gender non-binary. For most elementary and secondary students, this involves no or minimal medical interventions. In most cases, transgender students under the age of 18 are in a process of “social transition” from one gender to another.

“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.

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A. Privacy

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GSD Proposed Policy

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12-6-16 Policy Committee – 2nd reading

1-9-17 School Board Meeting – 1st reading

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identity and expression openly and to decide when, with whom, and how much to share private information.

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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 and 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. 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.

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 **and have the choice; whatever fits the need of the student.**

E. Restroom Accessibility

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 the underlying reason, ~~should~~ **will** be provided access to a

GSD Proposed Policy

11-1-16 Policy Committee

12-6-16 Policy Committee – 2nd reading

1-9-17 School Board Meeting – 1st reading

1-12-2017 Sent to GEA for feedback

2-6-17 School Board Meeting – 2nd reading

2-14-17 Policy Committee – 3rd reading

9-10-2019 Policy Committee – 4th reading

10/1/2019 Policy Committee – 5th reading

JBAB
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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~~ **will** 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 the underlying reason, ~~should~~ **will** 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 non-conforming students ~~shall~~ **will** 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 non-conforming students will be permitted to participate in interscholastic athletics in a manner consistent with their gender identity.

Interscholastic athletic activities should be addressed through the NHIAA participation policy, ~~Article III, Section 5~~ Article II, Section 21.

I. Dress Codes

Transgender and gender non-conforming students have the right to dress in a manner consistent with their gender identity or gender expression. In general, schools may not adopt dress codes that restrict students' clothing or appearance on the basis of gender.

GSD Proposed Policy

11-1-16 Policy Committee

12-6-16 Policy Committee – 2nd reading

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J. Discrimination/Harassment

It is the responsibility of each school and the District 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, **see Gilford School Board Policy JBAA.** 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.

(Adopted:)

NHSBA Sample Policy
11-1-16 Policy Committee
12-6-16 Policy Committee – 2nd reading
1-9-17 School Board Meeting – 1st reading
1-12-2017 Sent to GEA for feedback
2-6-17 School Board Meeting – 2nd reading
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JBAB - TRANSGENDER AND GENDER NON-CONFORMING STUDENTS

(Download policy)

Category: Optional

I. 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.

This policy sets out guidelines for schools and district staff to address the needs of transgender and gender nonconforming students and clarifies how state 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 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.

II. 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.

III. GUIDANCE

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NHSBA Sample Policy

11-1-16 Policy Committee

12-6-16 Policy Committee – 2nd reading

1-9-17 School Board Meeting – 1st reading

1-12-2017 Sent to GEA for feedback

2-6-17 School Board Meeting – 2nd reading

2-14-17 Policy Committee – 3rd reading

9-10-2019 Policy Committee – 4th reading

A. Privacy

The Board recognizes a student's right to keep private one's transgender status or gender nonconforming presentation at school. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential information. 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.

When contacting the parent or guardian of a transgender or gender nonconforming 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.

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 and 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. 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.

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

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identity.

E. Restroom Accessibility

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 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 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.

I. Dress Codes

Transgender and gender nonconforming students have the right to dress in a manner consistent with their gender identity or gender expression. In general, schools may not adopt dress codes that restrict students' clothing or appearance on the basis of gender.

J. Discrimination/Harassment

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It is the responsibility of each school and the District to ensure that transgender and gender nonconforming 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 discrimination or harassment complaints.

New Sample Policy: April 2015

NHSBA Note, April 2015: This new sample policy has been developed in response to NHSBA member inquiry and request.

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OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: JBAB
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School Board First Read : July 15, 2015	Category: Optional
Back to Policy: August 5, 2015	
School Board Second Read/Adoption: August 19, 2015	

TRANSGENDER AND GENDER NONCONFORMING

It is the goal of the Oyster River Cooperative School District, as always to foster a learning environment that is safe, and free from discrimination, harassment and bullying as well as to assist in the educational and social integration of transgender and gender nonconforming students in our schools. This policy is intended to be interpreted in light of applicable federal and state laws and regulations, as well as Board policies, procedures and school rules.

This policy is not intended to anticipate every possible situation that may occur, since the needs of particular students and families differ depending on the student's age and other factors. In addition, the programs, facilities and resources of each school also differ. Administrators and school staff are expected to consider the needs of students on a case-by-case basis, and to utilize this policy and other available resources as appropriate.

The term "transgender" is an umbrella term for an individual whose gender identity or expression is different from that traditionally associated with their assigned sex at birth. A student will be considered transgender if, at school, they consistently assert a gender identity or expression different from that traditionally associated with assigned sex at birth. This includes students who identify as transgender, or who are gender nonconforming. This involves more than a casual declaration of gender identity or expression, but it does not necessarily require a medical diagnosis.

Cross Reference:

JBAB – R Transgender and Gender Nonconforming – Procedure

Legal Reference:

RSA 354-A:2, XIV-c

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: JBAB-R
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School Board Second Read/Adoption: August 19, 2015	

Transgender and Gender Nonconforming Procedure

In accordance with policy JBAB, a student 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 necessarily require a medical diagnosis.

The following definitions are not intended to provide rigid labels for students, but to assist in discussing and addressing the needs of students. The terminology in this area is constantly evolving, and preference for particular terminology vary widely. Administrators, school staff, volunteers, students and others who interact with students are expected to be sensitive to the ways in which particular transgender students may wish to be identified. However, for the sake of brevity, this policy refers to "transgender students."

1. ✓ *Gender identity* – A person's deeply held sense or psychological knowledge of their own gender. One's gender identity can be the same or different than that traditionally associated with their assigned sex at birth.
2. ✓ *Gender expression* – The multiple ways in which a person represents or expresses their gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms. Gender expression could be referred to as masculine, feminine, gender nonconforming, etc.
3. *Cisgender* – A person whose gender identity and expression are aligned with those traditionally associated with their assigned sex at birth.
4. ✓ *Transgender* – A person whose gender identity and/or expression is not aligned with - that traditionally associated with their assigned sex at birth. "Transgender" is often used as an umbrella term to refer to students who identify as transgender, or who are gender nonconforming or gender non-binary, gender variant, genderfluid, genderqueer, agender, non-labeling, in the process of questioning their gender, etc.
5. ✓ *Gender nonconforming* – Describes an individual whose gender expression, behaviors, or interests are different from societal and stereotypical gender expectations traditionally associated with their assigned sex at birth.
6. *Gender non-binary* – Describes an individual whose gender identity and/or expression does not align with the gender binary of male or female. A gender non-binary person may describe their gender identity and/or expression as androgynous, genderfluid, genderqueer, agender, non-labeling, etc.
7. *Genderfluid* – Describes an individual whose gender identity and/or expression may be gender nonconforming or non-binary, who has a wider and more flexible range of gender expression that may even change from day to day. While the gender expression of a student who is genderfluid is flexible or may appear to change with some frequency, their genderfluid identity can be recognized as the "gender which the student consistently asserts at school" in regards to this policy.

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8. *Gender Transition* – The process by which a person goes from living and identifying as one gender to living and identifying as another gender. Gender transition is typically prompted by the feeling that an individual's gender identity does not match the one typically associated with their assigned sex at birth. Examples include: transitioning from a boy to a girl, a girl to a boy, a girl to gender non-binary, or a boy to gender non-binary. For most elementary and secondary students, this involves no or minimal medical interventions. In most cases, transgender students under the age of 18 are in a process of "social transition" from one gender to another.

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.

This procedure will be used to address needs raised by transgender students and/or their parent(s)/guardian(s).

1. A transgender student and/or their parent(s)/guardian(s) should contact the student's counselor or building administrator. In the case of a student who has not yet enrolled in school, the appropriate building administrator should be contacted.
2. A meeting should be scheduled to discuss the student's particular circumstances and needs. In addition to the student, parent(s)/guardian(s) and building administrator, participants may include the school counselor, school nurse, teachers and/or other school staff, and possibly outside providers who can assist in developing a plan for that student.
3. A written plan will be developed by the school, in consultation with the student, parent(s)/guardian(s) and others as appropriate, to address the student's particular needs. If the student has an IEP or a 504 Plan, the provisions of these plans should be taken into consideration in developing the plan for addressing transgender issues.

4. The school may request documentation from medical providers or other service providers as necessary to assist staff in developing a plan appropriate for the student.

If the parties cannot reach an agreement about the elements to be included in the plan, the building administrator and/or Superintendent shall be consulted as appropriate.

Guidance on Specific Issues

1. **Privacy:** The student's plan should address how to deal with disclosures that the student is transgender. In some cases, a student may want school staff and students to know, and in other cases the student may not want this information to be widely known. School staff should take care to follow the student's plan and not to inadvertently disclose information that is intended to be kept private or that is protected from disclosure (such as confidential medical information).

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.

add
To our
Policy

4. NO
Do not add

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: JBAB-R
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2. Official Records: Schools are required to maintain a permanent record for each student which includes legal name and gender. This information is also required for standardized tests and official school unit reports. This official information will only be changed upon receipt of documentation that a student's name or gender has been changed in accordance with any applicable laws. Any requests to change a student's legal name or gender in official records should be referred to the Superintendent.

To the extent that the school is not required to use a student's legal name or gender on school records or other documents, the school should use the name and gender identified in the student's plan.

3. 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 their gender identity that is consistently asserted at school.
4. Restrooms: A student who has been identified as transgender under this policy should be permitted to use the restrooms assigned to the gender which the student consistently asserts at school. A transgender student who expresses a need for privacy will be provided with reasonable alternative facilities or accommodations such as using a separate single-occupancy or a staff facility. However, a student shall not be required to use a separate single-occupancy facility over their objection.
5. Locker Rooms: The use of locker rooms requires schools to consider a number of factors, including but not necessarily limited to the safety and comfort of students; the transgender student's preference; student privacy; the ages of students; and available facilities. As a general rule, transgender students will be permitted to use the locker room assigned to the gender which the student consistently asserts at school. A transgender student will not be required to use a locker room that conflicts with the gender identity consistently asserted at school. A transgender student who expresses a need for privacy will be provided with reasonable alternative facilities or accommodations, such as using a separate stall, a staff facility or separate schedule.
6. Other Gender-Segregated Facilities or Activities: As a general rule, in any other facilities or activities when students may be separated by gender, transgender students may participate in accordance with the gender identity consistently asserted at school. Interscholastic athletic activities should be addressed through the NHIAA participation policy, Article II, Section 21.
7. Note on Facilities: If there are no facilities (restrooms, locker rooms, or other gender-segregated facilities) that align with the gender which the student consistently asserts at school (i.e. in the case of a student who is gender non-binary), recommendations of parent(s)/guardian(s) and medical or mental health professionals should be obtained by the school and considered into the plan developed for the student.
8. Dress Code: Transgender students may dress in accordance with their consistently asserted gender identity, consistent with any applicable requirements in the dress code or school rules.

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9. Safety and Support for Transgender and Transitioning Students: School staff are expected to comply with any plan developed for a transgender student and to notify the building administrator or other designated support person for the student if there are concerns about the plan, or about the student's safety or welfare.

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.

Staff Training and Informational Materials

1. The Superintendent and/or building principal may institute in-service training and/or distribute educational materials about transgender issues to school staff as deemed appropriate.
2. Teachers and other staff who have responsibilities for a transgender student with a plan will receive support in implementing the plan.
3. Training will include awareness of gender stereotyping.

Cross Reference:

JBAB – Transgender and Gender Nonconforming

Legal Reference:

RSA 354-A:2, XIV-c



U.S. Department of Justice

Civil Rights Division

U.S. Department of Education

Office for Civil Rights

The following Link is a letter sent out by the office of Civil Rights in 2016. It is clear in this letter that the student or the student's parent or guardian should let the school administration know if they are transgender. I believe the following paragraph that I put in green should be in our policy. If a child and or parent lets us know then it clears up a lot of questions. If they do not let us know then we can assume the child is a discipline problem about the bathroom. The letter in the following link will clear up a lot of thoughts that we had at our meeting.

<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf>

The Departments interpret Title IX to require that when a student or the 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. Under Title IX, 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.

Privacy Section

After re-reading the court cases they are all over the place, I believe the best way to handle it is with the above paragraph. I would encourage us to ask an attorney.

Esther

To: Leadership Team

From: Esther Kennedy

Date: 9-5-18

Re: Supports for Transgender Students

What is in Red are my thoughts Hope this helps



Know Your Rights

The following link is good for understanding what information the national organizations are sending out.

<https://transequality.org/know-your-rights/schools>



This link gives you what the US Department of Education is saying on the topic
Federal Department of Education

<https://search.usa.gov/search?utf8=✓&affiliate=ed.gov&query=transgender>



This was a nice one page for teachers.

6 ways teachers can support trans students

<https://www.glaad.org/amp/revamp-supporting-your-trans-students>

Gender studies are for everyone!

Gender is much more complex than "boys" and "girls," but not too complicated for students of any age to learn about. All students have a gender, express that gender each day, and are affected by gender stereotypes. You can use GLSEN's [Gender Terminology Visual](#) to explain these basic gender terms.

Gender identity is how you identify and see yourself. Everyone gets to decide their gender identity for themselves. You may identify as a girl or a boy. If you don't feel like a boy or a girl, you might identify as agender, genderqueer, nonbinary or just as a person. You may choose not to use any specific term to define your gender identity, or you may use a term today that you decide later doesn't fit. You have a right to identify however you want, and your identity should be respected.

Sex assigned at birth is the sex that the medical community labels a person when they are born. If your gender identity matches the sex assigned to you at birth, then you are **cisgender**. For example, if you identify as a girl and you were assigned female at birth, then you are **cisgender**. People whose gender identity does not match their sex assigned at birth may be **transgender**.

Regardless of our gender identity and sex assigned at birth, people **express** their gender in a variety of ways. This includes the way that we talk, our mannerisms, how we interact with others, our clothing, accessories, hairstyles, activities we enjoy, and much more! You should never use a person's **gender expression** to guess their **gender identity**.

Gender attribution describes how your gender is perceived by others. This can change depending on the people you're around, the country you're in, or even the time period. For example, although we might consider dresses to be stereotypically feminine, ancient Romans wore dresses or "togas" regardless of their gender, and a man wearing one at that time would be perceived as masculine.

DISCUSSION TOPICS:

- Take a moment to think about your **gender identity**. How do you identify today? Is this the same as the sex you were assigned at birth?
- **Gender expression** can be really fun when we give people the space to explore what feels good to them. There are so many different ways to show off our gender and ourselves.
 - What are some ways you are expressing or showing your gender today?
 - How might this change on a different day?
- There are **gender stereotypes** that try to tell us that people who identify as girls or boys should act and dress a certain way. For

example, "girls like pink" or "boys don't cry."

These stereotypes can make people feel bad for the things they like to do and for being who they are. Even though nonbinary people aren't boys or girls, they may still be teased for breaking stereotypes associated with their sex assigned at birth or the gender they are perceived as being.

- What are some ways that you break gender stereotypes?
- How could you encourage your friends and classmates to express their gender in a way that feels right to them?

- **Cis-privilege:** The more all of these identities are aligned, the more **cis-privilege** you benefit from. For example, if you identify as a boy who was assigned male at birth, and your gender expression stays in what is considered “masculine” in your culture, AND you stay around people who perceive and read your expression as masculine, then your gender is not questioned. You might even get to move through the world without thinking about gender, being **misgendered***, or feeling limited by gender stereotypes.
- What ways do you experience cis-privilege?
- What changes can you make to make your classroom or GSA more inclusive of transgender people?

GENDER IS MUCH MORE COMPLEX THAN “BOYS” AND “GIRLS.”

WHY DO WE NEED SO MANY TERMS?

In case you or someone you know are wondering why we have so many terms when talking about gender, here are some talking points:

- We are a language-based society, and using language is the best way that we learn about new things with each other. If you've ever seen a paint strip in a hardware store, think about how many words we use to describe shades of one color. And that's just paint, not people's identities!
- Inuit people have 50 different words for that we call “snow.” That's because it's important to them. We need language to talk about gender and sexual identities because it helps people feel seen and validated when they fall outside of people's assumptions.
- In addition, having the language to describe one's gender identity outside of the gender binary is liberating and creates community among people experiencing gender in similar ways. We all have the right to have language to define ourselves.



Check out GLSEN's
[Gender Terminology Visual](#).

***Misgendering** refers to the experience of being labeled by others as a gender other than one that a person identifies with. The essential thing to do after learning someone's pronouns is remembering to use those pronouns when referring to that person. If you accidentally use the wrong pronoun when identifying someone, please correct yourself in front of that person and begin using the right pronoun. Everyone makes mistakes, and making visible your work to respect and use someone's pronoun after a mistake is an important moment to take. It is not the responsibility of the transgender or gender nonconforming person to address your feelings after you misgender them.



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– Confidential –

Gender Support Plan

The purpose of this document is to create shared understandings about the ways in which the student's authentic gender will be accounted for and supported at school. School staff, caregivers and the student should work together to complete this document. Ideally, each will spend time completing the various sections to the best of their ability and then come together to review sections and confirm shared agreements about using the plan. Please note that there is a separate document to plan for a student formally communicating information about a change in their gender status at school.

School/District _____	Today's Date _____
Name Student Uses: _____	Name on Birth Certificate: _____
Student's Gender Identity _____	Assigned Sex at Birth _____ Student Grade Level _____
Date of Birth _____	Sibling(s)/Grade(s) _____ / _____ / _____
Parent(s), Guardian(s), or Caregiver(s) /relation to student _____	
_____ / _____ / _____	
Meeting participants: _____	

PARENT/GUARDIAN INVOLVEMENT

Guardians aware of student's gender status? Yes/No Level of Support: (none) 1 2 3 4 5 6 7 8 9 10 (High)

If support level is low what considerations must be accounted for in implementing this plan? _____

CONFIDENTIALITY, PRIVACY AND DISCLOSURE

How public or private will information about this student's gender be (check all that apply)?

____ District staff will be aware (Superintendent, Student Support Services, District Psychologist, etc.)
Specify the adult staff members: _____

____ Site level leadership/administration will know (Principal, head of school, counselor, etc.)
Specify the adult staff members: _____

____ Teachers and/or other school staff will know
Specify the adult staff members: _____

____ Student will not be openly "out," but some students are aware of the student's gender
Specify the students: _____

____ Student is open with others (adults and peers) about gender

____ Other – describe: _____

If the student has asserted a degree of privacy, what steps will be taken if that privacy is compromised, or is believed to have been compromised? _____

How will a teacher/staff member respond to any questions about the student's gender from:

Other students? _____

Staff members? _____

Parents/community? _____

STUDENT SAFETY

Who will be the student's "go to adult" on campus? _____

If this person is not available, what should student do? _____

What, if any, will be the process for periodically checking in with the student and/or family? _____

What are expectations in the event the student is feeling unsafe and how will student signal their need for help:

During class _____

On the yard _____

In the halls _____

Other _____

Other safety concerns/questions: _____

What should the student's parents do if they are concerned about how others are treating their child at school?

NAMES, PRONOUNS AND STUDENT RECORDS

What name and gender marker are listed on the student's identity documents? _____

Name/gender marker entered into the Student Information System _____

Name to be used when referring to the student _____

Pronouns _____

Can the student's name/gender marker be reflected in the SIS? _____ If so, how? If not, why not?

If not, what adjustments can be made to protect this student's privacy (see below)? _____

Who will be the point person at school for ensuring these adjustments are made and communicated as needed?

How will instances be handled in which the incorrect name or pronoun are used by staff members? _____

By students? _____

If unable to change the student's profile in the student information system, how will the student's privacy be accounted for and maintained in the following situations or contexts:

During registration _____
 Completing enrollment _____
 With substitute teachers _____
 Standardized tests _____
 School photos _____
 IEPs/Other Services _____
 Student cumulative file _____
 After-school programs _____
 Lunch lines _____
 Taking attendance _____
 Teacher grade book(s) _____
 Official school-home communication _____
 Unofficial school-home communication (PTA/other) _____
 Outside district personnel or providers _____
 Summons to office _____
 Yearbook _____
 Student ID/Library cards _____
 Posted lists _____
 Distribution of texts or other school supplies _____
 Assignment of IT accounts/email address _____
 PA announcements _____

If the student's guardians are not aware and/or supportive of the student's gender status, how will school-home communications be handled?

What are some other ways the school needs to anticipate the student's privacy being compromised? How will these be handled?

USE OF FACILITIES

Student will use the following bathroom(s) on campus _____

Student will change clothes in the following place(s) _____

If student/parent have questions/concerns about facilities, who should they contact? _____

What are the expectations regarding the use of facilities for any class trips? _____

What are the expectations regarding rooming for any overnight trips? _____

Are there any questions or concerns about the student's access to facilities? _____

EXTRA CURRICULAR ACTIVITIES

In what extra-curricular programs or activities will the student be participating (sports, theater, clubs, etc)?

What steps will be necessary for supporting the student there?

Does the student participate in an after-school program?

What steps will be necessary for supporting the student there?

Questions/Notes:

OTHER CONSIDERATIONS

Does the student have any sibling(s) at school? _____ Factors to be considered regarding sibling's needs?

Does the school have a dress code? _____ How will this be handled?

Are there lessons, units, content or other activities coming up this year to consider (growth and development, swim unit, social justice units, name projects, dance instruction, Pride events, school dances etc.)?

Are there any specific social dynamics with other students, families or staff members that need to be discussed or accounted for?

What training(s) will the school engage in to build capacity for working with gender-expansive students? How will the school work to create more gender inclusive conditions for all students?

Does the student use school- or district-provided transportation services? If so, how will the student's gender be accounted for?



Welcoming Schools

HUMAN RIGHTS CAMPAIGN FOUNDATION

FAQ on Supporting Transgender and Non-Binary Students in K-12 Schools

BACKGROUND

According to a memo obtained by *The New York Times*, the Department of Health and Human Services is spearheading an effort to establish an anti-LGBTQ legal definition of sex under Title IX, the federal civil rights law that bans gender-based discrimination in education programs that receive government financial assistance. This proposal targets transgender people and would be especially harmful to transgender and non-binary students if adopted by the Department of Education, and it would have implications for discrimination on the basis of sexual orientation as well.

While this is alarming, it is important to note that no changes have been made at this time and that transgender and non-binary students continue to be protected in schools. Even if the new definition is ultimately adopted, the administration's position does not and cannot change the case law underpinning the protections for transgender students.

WHAT SCHOOLS NEED TO KNOW

Transgender and non-binary students are protected by federal laws and constitutional rights.

See HRC's Welcoming Schools resource list [Summary of Supportive Federal Laws and Constitutional Rights For Transgender Students](#).

The law is consistently being interpreted to affirm transgender and non-binary students' rights.

- + There is a robust body of case law in which federal courts have affirmed that transgender and non-binary students may not be discriminated against on the basis of their gender identity.
- + Even if the administration does adopt the anti-transgender definition of sex that has been reported, the administration's perspective does not change the underlying law. It could, however, impact administrative enforcement.

- + Courts are consistently interpreting Title IX to support the rights of transgender and non-binary students to have their gender identity respected in terms of access to school facilities — including restrooms and locker rooms — and the use of their affirmed name and pronouns by school staff.
- + HRC's memo, [Educational Institutions' Obligations to Transgender Students under Title IX](#) highlights such important cases as *Whitaker v. Kenosha Unified School District* (2017), *Evancho v. Pine-Richland School District* (2017), and *Grimm v. Gloucester County School Board* (2018)

Schools and school districts are encouraged to institute supportive policies and procedures.

- + HRC's [Schools in Transition: A Guide for Supporting Transgender Students in K-12 Schools](#) is written for administrators, teachers, parents and other adults who work with transgender youth. The guide covers topics ranging from basic concepts of gender and the importance of affirming gender identity, to best practices for restroom access and working with non-affirming parents.
- + It is critical for schools to enumerate gender, gender identity and gender expression in their anti-bullying, anti-harassment and non-discrimination policies.

PROFESSIONAL DEVELOPMENT

School districts often need help knowing how to best support transgender and non-binary students. HRC's [Welcoming Schools Program](#) offers [professional development trainings](#) and [free resources](#), including lesson plans and book lists to support schools in becoming gender inclusive and to directly support transgender and non-binary students.

BE PREPARED FOR QUESTIONS AND PUT-DOWNS ON GENDER

Practicing answering questions related to gender or interrupting hurtful teasing based on gender will help you respond more easily when the situation arises. As educators, take the time to practice simple phrases. As teachers, work with your students so that they also have simple responses to gender exclusion or put-downs.

"Why does Martin like pink?"

- There doesn't have to be boy colors or girl colors. Colors are colors. All people like different colors.
- Do you think it's wrong for boys to wear pink? Why's that?
- Why do you like blue, or green, (or whatever color that child likes)? Why don't you like pink?
- Did you know that pink used to be considered a boys color and blue was the girl's color?

"Why is her hair so short? She looks like a boy."

- Girls and women can have hair in many different styles and so can boys or men.
- Hair is hair. That is how she likes it.
- Why does it matter if a girl's hair is short or a boy's hair is long?

"Juan plays with dolls. That's weird."

- It's true that some boys don't like to play with dolls but some boys do! Just like some of you like to draw and some of you don't. Some of you like to play kickball and others don't. No one should have to pick and choose what they do just because they are a boy or a girl.
- The dolls are for all children in this classroom.
- Sometimes this is confusing. We get messages about some things being for boys and some things being for girls. They are just for kids!

You overhear a student say to another student who identifies as a girl, "You look like a boy."

- Why do you say that?
- There is no one way for girls or boys to act or look.
- Girls and women can have short hair. That's just how she likes it.
- Those are the kinds of clothes that she likes to wear. Why do you like to wear what you're wearing?

"But he's a boy, why does he dress like a girl?"

- There are lots of different ways that boys can dress and lots of different ways that girls can dress.
- Some boys like to wear pink or to have long hair. All of these things are OK in our school.
- There are many ways of being a boy (girl), and all are okay ways of being a boy (girl).
- Those are the kinds of clothes that he likes to wear? Why do you like to wear what you're wearing?

"Dominic is always hanging out with girls. Why?"

- I encourage all children to play together.
- Dominic hangs out with friends who he likes to spend time with, just like you do with your friends.
- Some boys like the activities that more of the girls are doing and therefore like to play with girls.

You overhear a student call another student who identifies as a boy, a "girl" in an insulting way.

- That's not OK at our school to call someone a "girl" to insult them or make them feel bad.
- Student: "But he is always playing with the girls and with girl toys!"
 - At this school all children can play and do things together. He's a boy who likes to play with girls and that's OK. All kinds of toys and games are for all children.

"Why does she always play with the boys?"

- Those are the activities that she likes to do just as there are different activities that you like to do.
- There are many different ways of being a girl (boy), and that's great!

You overhear a student say, "Boys are better at math than girls."

- Some boys are good at math and some are not, and some girls are good at math and some are not. All kids have different things that they are good at.

Sample language when a biological boy socially transitions to a girl.

- Although Angela was called a boy when she was born, she has always felt like a girl inside. She wants everyone to call her Angela now and she wants to be able to wear the types of clothes that she likes the most and do the activities that she enjoys.
- Sandy has always felt like a girl deep down inside. That is the way Sandy likes to dress now.

Simple phrases students could say to each other.

- "There's no such thing as boys' (girls') clothes (hairstyles, toys, colors.)"
- "You can't say, 'Girls (boys) can't play.'"
- If someone says, "Boys are better at sports."
A student could say, "No group is best. Some are good. Some are not."
- If someone says, "Girls are better at art."
A student could say, "No group is best. Some are good. Some are not."

Ideas for talking with a student's parents or guardians.

- Educator: There was an incident at school today in which your child called a boy, a "girl" to intentionally hurt him. At our school we are working on not using gender in a negative way to limit our students. It is important to us that all of our students are physically and emotionally safe to learn here everyday.
- Parent/Guardian: "But my son told me that Bobby wears girls' clothing, paints his nails, and mostly plays with the girls."
- Educator: Some boys prefer typical boy activities, some do not. We affirm all of the interests of our students and work hard to not limit children based upon gender. It's important for children to learn not to tease someone in a hurtful way because of how they dress or who they play with.

When you overhear a colleague make a gender stereotypical remark about a student

- Remark: "Andre's parents should really try to get him to do some more sports with boys like baseball."

Sample responses:

- Why do you say that? And then engage in conversation.
- Andre's parents are trying to do what is best for him. He has always loved gymnastics.

Ideas based on: The Gender Inclusive School by Gender Spectrum, Graciela Sleseransky-Poe, "Not True! Gender Doesn't Limit You" by Lindsay Lamb, et al. Teaching Tolerance, and Johanna Eager

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10/11/19
Tuesday

TRANSGENDER AND GENDER NON-CONFORMING STUDENTS

I. PURPOSE

The Gilford School 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.

This policy sets out guidelines for schools and district staff to address the needs of transgender and gender nonconforming students and clarifies how state 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 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.

II. 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.

• Add Oyster River Definitions

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III. GUIDANCE

A. Privacy

The Gilford School Board recognizes a student's right to keep private one's transgender status or gender nonconforming presentation at school. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential information. 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.

When contacting the parent or guardian of a transgender or gender nonconforming 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.

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 and 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. 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.

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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. *have choice; & whatever fits the need of student*

E. Restroom Accessibility

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 the underlying reason, ~~should~~ *will* 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~~ *will* 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 the underlying reason, ~~should~~ *will* 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 *will*

Transgender and gender nonconforming students ~~shall~~ *will* 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.

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Interscholastic athletic activities should be addressed through the NHAA participation policy, Article II, Section 5.

I. Dress Codes

Article II Section 21.

Transgender and gender nonconforming students have the right to dress in a manner consistent with their gender identity or gender expression. In general, schools may not adopt dress codes that restrict students' clothing or appearance on the basis of gender.

J. Discrimination/Harassment

It is the responsibility of each school and the District to ensure that transgender and gender nonconforming 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 discrimination or harassment complaints.

(Adopted:)

Reference Harassment policy #
in section I

Discrimination #
policy

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TRANSGENDER AND GENDER NON-CONFORMING STUDENTS

I. PURPOSE

The Gilford School 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.

This policy sets out guidelines for the implementation of transgender and gender non-conforming policies. The policy should be implemented in situations where the health or safety of such students is at risk. The policy should occur with respect to transgender and gender non-conforming students on each transgender or gender non-conforming basis. In all cases, the goal is to ensure the transgender or gender non-conforming student's integration and minimizing

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the needs of
the law should be
to protect the legal rights
of students that might
be affected by the needs of
a case-by-case
development of
the student's social

When a student or the student's parent(s)/guardian(s) notifies the school administration that the student's gender identity differs from previous representations or that the student's gender identity is not consistent with the student's previous diagnosis or treatment requirements, the school should be notified. 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.

notifies the
that differs from
the student
has no medical
requisite to

This procedure will be used to address needs raised by transgender students and/or their parent(s)/guardian(s).

1. A transgender student and/or their parent(s)/guardian(s) should contact the student's counselor or building administrator. In the case of a student who has not yet enrolled in school, the appropriate building administrator should

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be contacted.

- 2. A meeting should be scheduled to discuss the student's particular circumstances and needs. In addition to the student, parent(s)/guardian(s) and building administrator, participants may include the school counselor, school nurse, teachers and/or other school staff, and possibly outside providers who can assist in developing a plan for that student.**
- 3. A written plan will be developed by the school, in consultation with the student, parent(s)/guardians(s) and others as appropriate, to address the student's particular needs. If the student has an IEP or a 504 Plan, the provisions of these plans should be taken into consideration in developing the plan for addressing transgender issues.**
- 4. If the parties cannot reach an agreement about the elements to be included in the plan, the building administrator and/or Superintendent shall be consulted as appropriate.**

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

"Cisgender" refers to a person whose gender identity and expression are aligned with those traditionally associated with their assigned sex at birth.

“Gender non-binary” describes an individual whose gender identity and/or expression does not align with the gender binary of male or female. A gender non-binary person may describe their gender identity and/or expression as androgynous, genderfluid, genderqueer, agender, non-labeling, etc.

Genderfluid describes an individual whose gender identity and/or expression may be gender non-conforming or non-binary, who has a wider and more flexible range of gender expression that may even change from day to day. While the gender expression of a student who is genderfluid is flexible or may appear to change with some frequency, their genderfluid identity can be recognized as the “gender which the student consistently asserts at school” in regards to the policy.

“Gender Transition” is the process by which a person goes from living and identifying as one gender to living and identifying as another gender. Gender transition is typically prompted by the feeling that an individual’s gender identity does not match the one typically associated with their assigned sex at birth. Examples include: transitioning from a boy to a girl, a girl to a boy, a girl to gender non-binary, or a boy to gender non-binary. For most elementary and secondary students, this involves no or minimal medical interventions. In most cases, transgender students under the age of 18 are in a process of “social transition” from one gender to another.

“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. GUIDANCE

A. Privacy

The Gilford School Board recognizes a student's right to keep private one's transgender status or gender non-conforming presentation at school. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential information. School personnel should not disclose information that may reveal a student's transgender status or gender non-conforming presentation to others, including parents and other school personnel, unless legally required to do so or unless the student **or parent** has authorized such disclosure. Transgender and gender non-conforming students have the right to discuss and express their gender

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identity and expression openly and to decide when, with whom, and how much to share private information.

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.

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 and 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. 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.

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 **and have the choice; whatever fits the need of the student.**

E. Restroom Accessibility

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 the underlying reason, ~~should~~ **will** be provided access to a

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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~~ **will** 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 the underlying reason, ~~should~~ **will** 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 non-conforming students ~~shall~~ **will** 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 non-conforming students will be permitted to participate in interscholastic athletics in a manner consistent with their gender identity.

Interscholastic athletic activities should be addressed through the NHIAA participation policy, ~~Article III, Section 5~~ Article II, Section 21.

I. Dress Codes

Transgender and gender non-conforming students have the right to dress in a manner consistent with their gender identity or gender expression. In general, schools may not adopt dress codes that restrict students' clothing or appearance on the basis of gender.

GSD Proposed Policy

11-1-16 Policy Committee

12-6-16 Policy Committee – 2nd reading

1-9-17 School Board Meeting – 1st reading

1-12-2017 Sent to GEA for feedback

2-6-17 School Board Meeting – 2nd reading

2-14-17 Policy Committee – 3rd reading

9-10-2019 Policy Committee – 4th reading

10-1-2019 Policy Committee – 5th reading

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J. Discrimination/Harassment

It is the responsibility of each school and the District 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, **see Gilford School Board Policy JBAA**. 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.

(Adopted:)

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Back to Policy: August 5, 2015 w/add. changes from UNH	
School Board Second Read/Adoption: August 19, 2015	

Transgender and Gender Nonconforming Procedure

In accordance with policy JBAB, a student 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 necessarily require a medical diagnosis.

The following definitions are not intended to provide rigid labels for students, but to assist in discussing and addressing the needs of students. The terminology in this area is constantly evolving, and preference for particular terminology vary widely. Administrators, school staff, volunteers, students and others who interact with students are expected to be sensitive to the ways in which particular transgender students may wish to be identified. However, for the sake of brevity, this policy refers to "transgender students."

1. *Gender identity* – A person's deeply held sense or psychological knowledge of their own gender. One's gender identity can be the same or different than that traditionally associated with their assigned sex at birth.
2. *Gender expression* – The multiple ways in which a person represents or expresses their gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms. Gender expression could be referred to as masculine, feminine, gender nonconforming, etc.
3. *Cisgender* – A person whose gender identity and expression are aligned with those traditionally associated with their assigned sex at birth.
4. *Transgender* – A person whose gender identity and/or expression is not aligned with - that traditionally associated with their assigned sex at birth. "Transgender" is often used as an umbrella term to refer to students who identify as transgender, or who are gender nonconforming or gender non-binary, gender variant, genderfluid, genderqueer, agender, non-labeling, in the process of questioning their gender, etc.
5. *Gender nonconforming* – Describes an individual whose gender expression, behaviors, or interests are different from societal and stereotypical gender expectations traditionally associated with their assigned sex at birth.
6. *Gender non-binary* – Describes an individual whose gender identity and/or expression does not align with the gender binary of male or female. A gender non-binary person may describe their gender identity and/or expression as androgynous, genderfluid, genderqueer, agender, non-labeling, etc.
7. *Genderfluid* – Describes an individual whose gender identity and/or expression may be gender nonconforming or non-binary, who has a wider and more flexible range of gender expression that may even change from day to day. While the gender expression of a student who is genderfluid is flexible or may appear to change with some frequency, their genderfluid identity can be recognized as the "gender which the student consistently asserts at school" in regards to this policy.

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8. *Gender Transition* – The process by which a person goes from living and identifying as one gender to living and identifying as another gender. Gender transition is typically prompted by the feeling that an individual's gender identity does not match the one typically associated with their assigned sex at birth. Examples include: transitioning from a boy to a girl, a girl to a boy, a girl to gender non-binary, or a boy to gender non-binary. For most elementary and secondary students, this involves no or minimal medical interventions. In most cases, transgender students under the age of 18 are in a process of "social transition" from one gender to another.

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.

This procedure will be used to address needs raised by transgender students and/or their parent(s)/guardian(s).

1. A transgender student and/or their parent(s)/guardian(s) should contact the student's counselor or building administrator. In the case of a student who has not yet enrolled in school, the appropriate building administrator should be contacted.
2. A meeting should be scheduled to discuss the student's particular circumstances and needs. In addition to the student, parent(s)/guardian(s) and building administrator, participants may include the school counselor, school nurse, teachers and/or other school staff, and possibly outside providers who can assist in developing a plan for that student.
3. A written plan will be developed by the school, in consultation with the student, parent(s)/guardian(s) and others as appropriate, to address the student's particular needs. If the student has an IEP or a 504 Plan, the provisions of these plans should be taken into consideration in developing the plan for addressing transgender issues.
4. The school may request documentation from medical providers or other service providers as necessary to assist staff in developing a plan appropriate for the student.
5. If the parties cannot reach an agreement about the elements to be included in the plan, the building administrator and/or Superintendent shall be consulted as appropriate.

Guidance on Specific Issues

1. *Privacy*: The student's plan should address how to deal with disclosures that the student is transgender. In some cases, a student may want school staff and students to know, and in other cases the student may not want this information to be widely known. School staff should take care to follow the student's plan and not to inadvertently disclose information that is intended to be kept private or that is protected from disclosure (such as confidential medical information).

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.

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2. Official Records: Schools are required to maintain a permanent record for each student which includes legal name and gender. This information is also required for standardized tests and official school unit reports. This official information will only be changed upon receipt of documentation that a student's name or gender has been changed in accordance with any applicable laws. Any requests to change a student's legal name or gender in official records should be referred to the Superintendent.

To the extent that the school is not required to use a student's legal name or gender on school records or other documents, the school should use the name and gender identified in the student's plan.

3. 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 their gender identity that is consistently asserted at school.
4. Restrooms: A student who has been identified as transgender under this policy should be permitted to use the restrooms assigned to the gender which the student consistently asserts at school. A transgender student who expresses a need for privacy will be provided with reasonable alternative facilities or accommodations such as using a separate single-occupancy or a staff facility. However, a student shall not be required to use a separate single-occupancy facility over their objection.
5. Locker Rooms: The use of locker rooms requires schools to consider a number of factors, including but not necessarily limited to the safety and comfort of students; the transgender student's preference; student privacy; the ages of students; and available facilities. As a general rule, transgender students will be permitted to use the locker room assigned to the gender which the student consistently asserts at school. A transgender student will not be required to use a locker room that conflicts with the gender identity consistently asserted at school. A transgender student who expresses a need for privacy will be provided with reasonable alternative facilities or accommodations, such as using a separate stall, a staff facility or separate schedule.
6. Other Gender-Segregated Facilities or Activities: As a general rule, in any other facilities or activities when students may be separated by gender, transgender students may participate in accordance with the gender identity consistently asserted at school. Interscholastic athletic activities should be addressed through the NHIAA participation policy, Article II, Section 21.
7. Note on Facilities: If there are no facilities (restrooms, locker rooms, or other gender-segregated facilities) that align with the gender which the student consistently asserts at school (i.e. in the case of a student who is gender non-binary), recommendations of parent(s)/guardian(s) and medical or mental health professionals should be obtained by the school and considered into the plan developed for the student.
8. Dress Code: Transgender students may dress in accordance with their consistently asserted gender identity, consistent with any applicable requirements in the dress code or school rules.

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9. Safety and Support for Transgender and Transitioning Students: School staff are expected to comply with any plan developed for a transgender student and to notify the building administrator or other designated support person for the student if there are concerns about the plan, or about the student's safety or welfare.

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.

Staff Training and Informational Materials

1. The Superintendent and/or building principal may institute in-service training and/or distribute educational materials about transgender issues to school staff as deemed appropriate.
2. Teachers and other staff who have responsibilities for a transgender student with a plan will receive support in implementing the plan.
3. Training will include awareness of gender stereotyping.

Cross Reference:

JBAB – Transgender and Gender Nonconforming

Legal Reference:

RSA 354-A:2, XIV-c

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11-1-16 Policy Committee
12-6-16 Policy Committee – 2nd reading
1-9-17 School Board Meeting – 1st reading
1-12-2017 Sent to GEA for feedback
2-6-17 School Board Meeting – 2nd reading
2-14-17 Policy Committee – 3rd reading
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Dec 15+ Read

TRANSGENDER AND GENDER NON-CONFORMING STUDENTS

I. PURPOSE

The Gilford School District policy requires that all programs, activities, and 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 environment for all students and to ensure that every student has equal access to all school programs and activities.

Kirk: 5
Copies

This policy sets out guidelines for schools and district staff to address the needs of transgender and gender non-conforming students and clarifies how state 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 ensure the safety, comfort, and healthy development of the transgender or gender non-conforming student while maximizing the student's social integration and minimizing stigmatization of the student.

When a student or the 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. Under Title IX, 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.

This procedure will be used to address needs raised by transgender students and/or their parent(s)/guardian(s).

- 1. A transgender student and/or their parent(s)/guardian(s) should contact the student's counselor or building administrator. In the case of a student who has not yet enrolled in school, the appropriate building administrator should**

GSD Proposed Policy

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be contacted.

- 2. A meeting should be scheduled to discuss the student's particular circumstances and needs. In addition to the student, parent(s)/guardian(s) and building administrator, participants may include the school counselor, school nurse, teachers and/or other school staff, and possibly outside providers who can assist in developing a plan for that student.**
- 3. A written plan will be developed by the school, in consultation with the student, parent(s)/guardians(s) and others as appropriate, to address the student's particular needs. If the student has an IEP or a 504 Plan, the provisions of these plans should be taken into consideration in developing the plan for addressing transgender issues.**
- 4. If the parties cannot reach an agreement about the elements to be included in the plan, ~~the building administrator and/or~~ Superintendent shall be consulted as appropriate.**

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

"Cisgender" refers to a person whose gender identity and expression are aligned with those traditionally associated with their assigned sex at birth.

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“Gender non-binary” describes an individual whose gender identity and/or expression does not align with the gender binary of male or female. A gender non-binary person may describe their gender identity and/or expression as androgynous, genderfluid, genderqueer, agender, non-labeling, etc.

Genderfluid describes an individual whose gender identity and/or expression may be gender non-conforming or non-binary, who has a wider and more flexible range of gender expression that may even change from day to day. While the gender expression of a student who is genderfluid is flexible or may appear to change with some frequency, their genderfluid identity can be recognized as the “gender which the student consistently asserts at school” in regards to the policy.

“Gender Transition” is the process by which a person goes from living and identifying as one gender to living and identifying as another gender. Gender transition is typically prompted by the feeling that an individual’s gender identity does not match the one typically associated with their assigned sex at birth. Examples include: transitioning from a boy to a girl, a girl to a boy, a girl to gender non-binary, or a boy to gender non-binary. For most elementary and secondary students, this involves no or minimal medical interventions. In most cases, transgender students under the age of 18 are in a process of “social transition” from one gender to another.

“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. GUIDANCE

A. Privacy

The Gilford School Board recognizes a student’s right to keep private one’s transgender status or gender non-conforming presentation at school. Information about a student’s transgender status, legal name, or gender assigned at birth also may constitute confidential information. School personnel should not disclose information that may reveal a student’s transgender status or gender non-conforming presentation to others, including parents and other school personnel, unless legally required to do so or unless the student or parent has authorized such disclosure. Transgender and gender non-conforming students have the right to discuss and express their gender

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identity and expression openly and to decide when, with whom, and how much to share private information.

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.

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

Should be
~~Names/Pronouns:~~ A student ~~who has been identified as transgender~~ ^{under} this policy ~~has the right to be~~ addressed by a name or pronoun that corresponds to the student's gender identity that is consistently asserted at school.

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

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 **and have the choice; whatever fits the need of the student.**

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E. Restroom Accessibility

~~Locker Room Accessibility:~~ ^{Restroom/ Locker Room Accessibility} The use of locker rooms requires schools to consider a number of factors, including but not necessarily limited to the safety and comfort of students; the transgender student's preference; student privacy; the ages of students; and available facilities. As a general rule, transgender students will be permitted to use the locker room assigned to the gender which the student consistently asserts at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason will be provided with a reasonable alternative changing area.

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 the underlying reason, ~~should~~ ^{will} 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~~ ^{will} 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 the underlying reason, ~~should~~ ^{will} 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

~~Other Gender-Segregated Facilities or Activities:~~ As a general rule, in any other facilities or activities when students may be separated by gender, transgender students may participate in accordance with the gender identity consistently asserted at school.

~~*Interscholastic athletics should be addressed through the NHAA participation policy.~~

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~~Article II, Section 21~~

~~Transgender and gender non-conforming students shall will 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 non-conforming students will be permitted to participate in interscholastic athletics in a manner consistent with their gender identity.~~

~~Interscholastic athletic activities should be addressed through the NHIAA participation policy, Article III, Section 5.~~ Article II, Section 21.

I. Dress Codes

All students are required to meet the requirements in the dress code or school rules. Transgender students may dress in accordance to the gender which the student consistently asserts at school.

Transgender and gender non-conforming students have the right to dress in a manner consistent with their gender identity or gender expression. In general, schools may not adopt dress codes that restrict students' clothing or appearance on the basis of gender.

J. Discrimination/Harassment

It is the responsibility of each school and the District 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, **see Gilford School Board Policy JBAA.** 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.

Refer to policy AC
 JBAA, and/or JICK.

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IV. STAFF TRAINING

1. The Superintendent and/or building principal may institute in-service training and/or distribute educational materials about transgender issues to school staff as deemed appropriate.
2. Teachers and other staff who have responsibilities for a transgender student with a plan, as outlined in this policy, will receive support in implementing the plan.

(Adopted:)

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TRANSGENDER AND GENDER NONCONFORMING

It is the goal of the Oyster River Cooperative School District, as always to foster a learning environment that is safe, and free from discrimination, harassment and bullying as well as to assist in the educational and social integration of transgender and gender nonconforming students in our schools. This policy is intended to be interpreted in light of applicable federal and state laws and regulations, as well as Board policies, procedures and school rules.

This policy is not intended to anticipate every possible situation that may occur, since the needs of particular students and families differ depending on the student's age and other factors. In addition, the programs, facilities and resources of each school also differ. Administrators and school staff are expected to consider the needs of students on a case-by-case basis, and to utilize this policy and other available resources as appropriate.

The term "transgender" is an umbrella term for an individual whose gender identity or expression is different from that traditionally associated with their assigned sex at birth. A student will be considered transgender if, at school, they consistently assert a gender identity or expression different from that traditionally associated with assigned sex at birth. This includes students who identify as transgender, or who are gender nonconforming. This involves more than a casual declaration of gender identity or expression, but it does not necessarily require a medical diagnosis.

Cross Reference:

JBAB – R Transgender and Gender Nonconforming – Procedure

Legal Reference:

RSA 354-A:2, XIV-c



Beitler, Kirk <kbeitler@sau73.org>

transgender policy

2 messages

Dana Buckley <dabuckley@protonmail.com>

Sat, Oct 5, 2019 at 5:37 AM

Reply-To: Dana Buckley <dabuckley@protonmail.com>

To: "ggandini@sau73.org" <ggandini@sau73.org>, "cmcdonough@sau73.org" <cmcdonough@sau73.org>, "rmelloandrews@sau73.org" <rmelloandrews@sau73.org>, "kthurston@sau73.org" <kthurston@sau73.org>, "jonos@sau73.org" <jonos@sau73.org>, "kbeitler@sau73.org" <kbeitler@sau73.org>

Dear Gilford school board members and Superintendent Beitler:

I am writing you to share my thoughts on the current situation regarding the transgender policy that you are considering implementing. Unlike nearly all of the other emails you may be receiving on this issue I have a unique perspective as I am a NH school board member in another community and I have been in the very position you are in now.

In 2016 the Candia school board passed a transgender and gender non-conforming policy that was provided by the NHSBA and which was very similar to the one that you are considering. I was not a member of the board at the time but felt that the policy was not right for our school. I created a citizens petitioned warrant article to repeal the policy. 200 people in the town of Candia signed it and the number would have been much higher if I had had more time to collect signatures. The majority of Candia residents voiced their opposition to the policy but it was adopted as presented by the NHSBA anyway. I and another person who opposed the policy ran for school board and easily defeated two incumbents that had voted to adopt the policy. We repealed the policy. Rather than implementing a new policy we decided to place our faith in the administration to handle any issues/conflicts that would arise on a case by case basis.

I have read your policy and it is very similar to the one that was passed and repealed in Candia. There are two very troubling aspects of your policy that were also raised as concerns when the Candia policy was passed. The first is the section referring to the use of pronouns. Your policy states that "a student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity." The policy also states that the intentional use of a pronoun that does not correspond to the student's gender identity is a violation of the policy. The policy does not state what the repercussions for violating the policy are. The policy does also not state if this applies to staff and students or just staff. I'm sure you understand that as a public school you cannot enact any policy that would violate the first amendment rights of your students. There was a school in Ohio that recently attempted to discipline students for not using the "correct" pronouns when referring to a transgender student. As soon as the lawyers for those students raised the issue of the first amendment and threatened legal action the school backed off and said the students would not be disciplined and had the first amendment right to express themselves as they wished. I would urge to consider this part of your policy very seriously as I can almost guarantee you that if you attempt to force a student to use specific language against their will you will get sued and most likely lose the suit. There is also the issue of teachers first amendment rights as public school employees. I'm sure you've heard of the high school French teacher in Virginia who was fired for refusing to use the "correct" pronouns when referring to a transgender student who is now suing his former school district for violation of his first amendment rights. There is a US Supreme court case, *Garcetti v Ceballos*, that is often cited to show that the first amendment does not apply to public employees when they are speaking in their capacity as public employees. However this applied to what they actually expressed through their speech. It does not address the issue as to whether or not the government, ie public school, can compel an employee to say something against their will or conscience. I'm sure your lawyer is advising you on this but I just wanted to bring it to you attention. It will be interesting to see how Pete Vlaming's case lawsuit unfolds.

The second very troubling aspect of your policy is that it states parents do not have to be told if their child identifies as transgender or gender nonconforming while at school. Maybe I am misunderstanding this part of your policy but the language is very similar to the policy we had in Candia and it greatly upset a large number of parents in our community as it was viewed as a blatant violation of parental rights. I understand the logic behind this as some claim that some students have home lives where there may be abusive, unsupportive parents, regarding a whole host of issues, not just gender identity. However it is quite unfair to start with the premise that this is the norm for most students and their families/home lives. I and many others see that as a wholesale violation of parental rights and the US Supreme court has found that parents have the right to direct the upbringing of their children. I would urge you to remove or clarify this part of your policy as I think the probability of getting sued is very high.

There are also other issues aside from the policy itself are part of the "big picture" surrounding the issue that I'd urge you to consider.

The first is the privacy rights of female students who do not wish to be in the presence of males in their bathrooms and locker rooms. You must ask yourself if it is fair to expect a number of them to seek other accommodations in your schools to satisfy the desires of one student who is biologically male. According to RAINN (Rape Abuse and Incest National Network) our nation's largest sexual abuse advocacy network, one out of every nine school aged girls (and it could be higher due to nonreporting) has been sexually assaulted by a male. This would mean that you have a number of girls in your district who have been sexually assaulted, including raped, by males. Your policy would not seem to take this into consideration. It would likely be very traumatizing to a girl who has been sexually assaulted to have to share the intimate space of a bathroom or locker room with a biological male. It could also reasonably be viewed as traumatizing, embarrassing and/or unfair to them to expect them to seek alternate accommodations as it may require them to disclose what has happened to them as a reason for seeking alternate accommodations. Where is the concern for them in creating a safe, comfortable and welcoming environment in the Gilford school district? I ask that you please consider this.

The second issue I'd like to bring to your attention is that those advocating for these policies are also advocating for children to undergo chemical and surgical gender reassignment procedures at younger and younger ages despite the lack of scientific evidence showing that the long term effects of doing this are safe and/or beneficial. I have read about some advocating for girls as young as thirteen to have double mastectomies. It is also common for some to advocate for puberty blockers and opposite sex synthetic hormones to be given to very young children. To me and many others this seems like too young to make such decisions. Where are the long term studies that prove doing these things is safe? Should we interfere with the natural biological development process at such a young age? Who is to be held accountable if we do and it turns out badly for those involved? These are all very important questions to be asked by those of us charged with making decisions not only in the medical community but in the policy realm as well. Whether you realize it or not, by passing this policy you are tacitly supporting the notion that it is the correct thing to do to alter biology at such a young age and I would argue that you should bear some of the responsibility for any harm done. I would encourage you to consider all of the broader societal ramifications of your decision and do as much research as possible to see what the objective, unbiased science says.

I know that this must be very difficult for you. It was for us in Candia. However, while it's certain that the vast majority of those in Candia, Gilford and everywhere else believe that transgender people have the right to live their lives as they see fit and be treated with dignity and respect, as we all do, there is not majority support for these types of policies or for the notion that society must accept the transgender person's subjective view of gender and sex that runs contrary to objective biology and thousands of years of human culture. In treating someone with dignity and respect it is not necessary to agree with everything that they believe, to violate the rights of others to accommodate them, or to completely do away with a several millennia old universally accepted societal norm based on objective biology that the definition of a man is a biological male and a woman is a biological female.

If you are considering this because of SB 263 I would argue that the law is vague as to discrimination and that it is not necessary to enact this policy. Most other school districts in NH have not declared their intent to enact such policies because of the law. Both sides have their notions of what discrimination actually is but it will ultimately have to be settled by the courts. In the meantime we who are public officials must be responsive and respectful to our constituents. Do the majority of Gilford residents actually support this policy?

I hope that you will find the points I have made in this email worth considering and do your utmost to do as much research as possible and come to a decision that is based on objective truth, the wishes of those in your community, and consideration of what's best for our society as a whole rather than the personal subjective emotions of a few and/or the intimidation tactics that may be used by some. I wish you the best in making this difficult decision and, as a fellow NH school board member, would be very interested in hearing your thoughts/reasons for making your decision if you are willing to reach out to me.

Sincerely,

Dana Buckley

Sent from ProtonMail, Swiss-based encrypted email.

Sent from my iPhone

Begin forwarded message:

From: Dana Buckley <dabuckley@protonmail.com>

Date: October 5, 2019 at 5:38:02 AM EDT

To: "ggandini@sau73.org" <ggandini@sau73.org>, "cmcdonough@sau73.org" <cmcdonough@sau73.org>, "rmelloandrews@sau73.org" <rmelloandrews@sau73.org>, "kthurston@sau73.org" <kthurston@sau73.org>, "jonos@sau73.org" <jonos@sau73.org>, "kbeitler@sau73.org" <kbeitler@sau73.org>

Subject: transgender policy

Reply-To: Dana Buckley <dabuckley@protonmail.com>

[Quoted text hidden]



18 Low Avenue
Concord NH 03301
(603) 224-5591
aclu-nh.org

Devon Chaffee
Executive Director

October 7, 2019

VIA EMAIL (cmcdonough@sau73.org; kbeitler@sau73.org)

Chris McDonough, Chair
Gilford School District Board
2 Belknap Mountain Road
Gilford, NH 03249

Kirk Beitler, Superintendent
Gilford School District
2 Belknap Mountain Road
Gilford, NH 03249

Re: Transgender students' access to sex-separated facilities in New Hampshire

Dear Chairman McDonough and Superintendent Beitler:

As you know, the Gilford School District has in its system a transgender student who wishes to use the restroom consistent with this student's gender identity. I understand that the District's School Board is considering a policy at today's meeting that would allow this student to do so, as well as allow the student to use in school records a name other than the student's name given at birth. At the outset, we are grateful that the Board is considering this policy, and we strongly encourage the Board to adopt it. Excluding transgender boys from the boys' facilities and transgender girls from the girls' facilities harms transgender students by stigmatizing them and impairing their ability to participate fully at school and enjoy a safe learning environment. Further, not using a transgender student's preferred name in school records puts the burden on the student to defend the use of a different name.

I also write to explain that this student must be allowed to use the bathroom consistent with this student's gender identity under New Hampshire law. Under recently enacted Senate Bill 263, "[n]o person shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in public schools because of their age, sex, gender identity, sexual orientation, race, color, marital status, familial status, disability, religion, or national origin, all as defined in RSA 354-A." RSA 193:38 (emphasis added); *see also* RSA 354-A:27.

A transgender person is someone whose gender identity is different from the sex they were assigned at birth. For example, a boy who is transgender is a boy who was assigned the sex female at birth, but his gender identity is male. While a variety of medical procedures can be beneficial for the treatment of gender dysphoria, no particular surgical procedure should be a prerequisite for treating students in accordance with their gender identity.¹ Medical opinion is unequivocal that gender identity is not a choice. Many people in school—or even before they reach school age—have and express a clearly established gender identity that is different from the sex they were assigned at birth.²

¹ Most minor youth will not have undergone genital surgery. *See Whitaker by Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd. of Educ.*, 858 F.3d 1034, 1053 (7th Cir. 2017).

² *See* Wylie C. Hembree, et al., *Endocrine Treatment of Gender-Dysphoric/Gender-Incongruent Persons: An Endocrine Society Clinical Practice Guideline*, J. Clinical Endocrinology & Metabolism jc.2017-01658, 7 (Sept. 2017), <https://academic.oup.com/jcem/article/doi/10.1210/je.2017-01658/4157558/Endocrine-Treatment-of>; Amicus Br. of Am. Acad. of Pediatrics, et al., *G.G. v. Gloucester Cty. Sch. Bd.*, No. 15-2056, ECF No. 244, at 17-18 (4th Cir.), https://www.aclu.org/sites/default/files/field_document/document_0.pdf; World Prof'l Ass'n for Transgender Health (WPATH), *Position Statement on Medical Necessity of Treatment, Sex Reassignment, and Insurance Coverage in the U.S.A.* at 1, (Dec. 21, 2016), https://s3.amazonaws.com/amo_hub_content/Association140/files/WPATH-Position-on-Medical-Necessity-12-21-2016.pdf.

See Am. Psychological Ass'n & Nat'l Ass'n Sch. Psychologists, *Resolution on Gender and Sexual Orientation Diversity in Children and Adolescents in Schools* (2015), <http://www.apa.org/about/policy/orientation-diversity.aspx>; Nat'l Ass'n of Secondary Sch. Principals, *Position Statement on Transgender Students* (2016), <https://www.nassp.org/who-we-are/board-of-directors/position-statements/transgender-students?SSO=true>.



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Concord NH 03301
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aclu-nh.org

Devon Chaffee
Executive Director

Setting aside the law, enacting a policy that allows this student to use the bathroom consistent with this student's gender identity, as well as allows the student to use a different name in student records, is the right thing to do. Excluding transgender students from the restrooms that are consistent with the gender they live every day, or requiring them to use separate single-user restrooms, is profoundly harmful. The Journal of Adolescent Health concluded transgender youth are at heightened risk of depression, anxiety, and suicidality.³ Studies by the CDC and the American Foundation for Suicide Prevention have found these risks are exacerbated by harassment and rejection in school.⁴ In addition, requiring transgender students to use single-user restrooms can cause a host of problems because those facilities may be far from classrooms and further stigmatize the student. Students often try not to use the restroom even though they need to, leading to painful urinary tract infections or other problems, to avoid being tardy or being forced to use restrooms that do not correspond to their gender identity.⁵ Research shows that denying transgender people access to restrooms that correspond with the gender they live every day has a serious impact on their education, employment, health, and participation in public life.⁶

Your District's decision to allow transgender students to use the appropriate facilities will improve their health and well-being and adopt widely accepted standards of medical care for transgender people. This policy, when coupled with its change to allow students to use different names in school records, will also send a message that transgender students should be treated with dignity.

Thank you again for your time and consideration; and we sincerely hope that the District adopts the policy under consideration. If you have any questions, do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Gilles Bissonnette". The signature is fluid and stylized, with a long horizontal stroke extending to the right.

Gilles Bissonnette
ACLU-NH Legal Director
Gilles@aclu-nh.org

Cc: Erin Feltes (EFeltes@dwmlaw.com)

³ Sari L. Reisner et al., *Mental Health of Transgender Youth in Care at an Adolescent Urban Community Health Center*, 56 J. Adolescent Health 274 (Mar. 2015), <http://www.jahonline.org/pb/assets/raw/Health%20Advance/journals/jah/feature.pdf>.

⁴ See, e.g., Centers for Disease Control and Prevention, *LGBT Youth*, <https://www.cdc.gov/lgbthealth/youth.htm>; Ann P. Haas et al., *Suicide Attempts Among Transgender and Gender-Nonconforming Adults*, American Foundation for Suicide Prevention & The Williams Institute (Jan. 2014), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/AFSP-Williams-Suicide-Report-Final.pdf>.

⁵ See, e.g., *Whitaker*, 858 F.3d at 1040-41; *Bd. of Educ. of the Highland Local Sch. Dist. v. United States Dep't. of Educ.*, 208 F. Supp. 3d 850, 871 (S.D. Ohio 2016).

⁶ Jody L. Herman, *Gendered Restrooms and Minority Stress: The Public Regulation of Gender and its Impact on Transgender People's Lives*, 19 J. Pub. Mgmt. & Soc. Pol'y 65 (Spring 2013), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Herman-Gendered-Restrooms-and-Minority-Stress-June-2013.pdf>.

GILFORD SCHOOL BOARD MEETING
MONDAY JANUARY 6, 2020
GILFORD HIGH SCHOOL LIBRARY
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The Gilford School Board held a regular meeting on Monday January 6, 2020 at the Gilford High School Library. Present were Board members Gretchen Gandini, Jeanin Onos, Rae Mello-Andrews, and Karen Thurston. Administrators present were Kirk Beitler, Scott Isabelle, Anthony Sperazzo, Peter Sawyer, Danielle Bolduc, and Brenda McGee. Gilmanton Board members present were Michelle Heyman and Malcolm MacLeod. Student Council Representative present was Alex Cheek.

Opening

School Board Vice-Chair Gretchen Gandini called the meeting to order at 6:17 p.m. Superintendent Beitler confirmed posting of the meeting.

Karen Thurston made the motion that the Board approve the minutes of the December 2, 2019 meeting. Michelle Heyman seconded the motion. Following no discussion nor corrections, the motion passed in the affirmative with Rae Mello-Andrews abstaining.

Student Report

Alex Cheek stated that final exams were completed and Trimester 2 has begun. He said the Granite State Music Festival, which consists of seven participating schools, was a success. Choosing classes for next year will be starting soon; next year's freshmen meet next week. Students are already starting to talk about Winter Carnival, which is the week before February break. All are looking forward to it as it brings classes together and increases school spirit.

Public Comment

Public comments were made by the following Gilford residents:

Nicole Hogan spoke on the transgender policy, stating she feels we should learn as much from research as possible. Ms. Hogan spoke in favor of the policy, saying she hopes to see acceptance of the transgender population in our schools, and that it is doing the right thing to pass this policy. She stated that she feels the administration and personnel in the schools will make the best decision for the students.

Kyle Sanborn spoke against the policy, as he feels the policy still contains wording and portions that should go back to the policy committee for revisions, that it is unacceptable as written. Mr. Sanborn stated that he believes it is against FERPA law, and specifically stated that he is against the gender-fluid wording. Mr. Sanborn also commented that he feels it violates Title IX in athletics, and he believes that Senate Bill 263 covers more than just gender identity. Mr. Sanborn stated that he wants all provisions of Senate Bill 263 to be covered in this policy.

Adrianna Antonopoulos spoke in favor of transgender rights, stating that she is happy that the Board is addressing the issue and moving forward.

Skip Murphy spoke about his concerns in relation to the transgender policy. Mr. Murphy stated that in his opinion, free speech is still being affected regarding the required use of pronouns chosen/used by transgender students. He would like the Board to address his question of transgender terminology and possible consequences if the terminology is not used. Mr. Murphy commented that he believes that it is not the government's role to enforce something upon somebody that they don't feel to be true. He suggested Bill SB

GILFORD SCHOOL BOARD MEETING
MONDAY JANUARY 6, 2020
GILFORD HIGH SCHOOL LIBRARY
Page 2 of 4

263 addresses a comprehensive plan for all protective classes, and he wants the District's policy to go back to the Policy Committee to add these other protective classes to the policy.

Adrianna Antonopoulos spoke again in favor of the policy and also handed out a flyer with a resource available for more information on the topic ².

Matthew Wood spoke about the new locker rooms and asked how they would change the facilities to align with the policy. Mr. Wood asked what it would cost when adding-in renovations to the current bathrooms being used and how much more this would add to the budget.

Denise Wallston stated that she has a disabled child, and she understands that all students need to be accommodated. She asked how the physical accommodations will be covered, specifically what will the cost be and what will be done to protect transgender students, gay students, etc. Ms. Wallston said that she believes there is a large financial burden that goes with implementing the policy.

Bethany Cote spoke in support of providing equal rights to all students, including transgender students. She has three children in the district and does not feel that any transgender rights instituted will cause her children to be uncomfortable or unsafe. Ms. Cote stated that laws have been passed, and that the Board should pass a policy to meet those laws. She stated again that she is in support of transgender children having a policy to protect them, asking the Board to pass the policy, understanding that not all may feel as she feels. Ms. Cote stated that transgender people are protected by law now, times are changing, and we must provide equal rights for all students.

Gaye Fedorchak commented that she supports the policy with one exception, that the policy does not have a fiscal impact included at this time; it is just the policy being voted on, but that there will be fiscal implications later. She also stated that she feels individual plans and parental contact should be in the policy, and for additional policy work to be done that covers other protective classes. Ms. Fedorchak stated she is concerned about the statement, "consistently expressed gender identity," that is in the policy. She said that she believes that an individual plan for the transgender student should be available to the students based on the age of the student, and also wants trans-fluid v transgender clarified.

Angelo Farruggia spoke, saying that there is not a major divide on the issue; both sides want what is best for the students. He believes people have issues with parts of the policy, commenting that he believes the policy is detrimental to both sides. He stated that he does not feel it is an equal rights issue, nor does he think that all kids are okay with this as previously stated. Mr. Farruggia commented that he feels that the purpose of the policy has backfired, that no one is being helped, that the policy is too abstract, and that the policy is illegal. Mr. Farruggia stated that he wants all protected classes to be covered and the transgender policy is infringing on others' rights. He expressed that he would like to see financial obligations addressed before the policy is approved.

Gretchen Gandini addressed the financial comment, stating that no finances have been discussed by the Board and no consultants have been contacted. Mr. Beitler agreed with Mrs. Gandini's statement.

Public comment closed.

Superintendent's Report

Kirk Beitler read his report as written.

GSD Proposed Policy

11-1-16 Policy Committee

12-6-16 Policy Committee – 2nd reading

1-9-17 School Board Meeting – 1st reading

1-12-2017 Sent to GEA for feedback

2-6-17 School Board Meeting – 2nd reading

2-14-17 Policy Committee – 3rd reading

9-10-2019 Policy Committee – 4th reading

10-1-2019 Policy Committee – 5th reading

10-7-2019 School Board – 1st reading

JBAB
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To Policy

TRANSGENDER AND GENDER NON-CONFORMING STUDENTS

I. PURPOSE

The Gilford School 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.

This policy sets out guidelines for schools and district staff to address the needs of transgender and gender non-conforming students and clarifies how state 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 ensure the safety, comfort, and healthy development of the transgender or gender non-conforming student while maximizing the student's social integration and minimizing stigmatization of the student.

When a student or the 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. Under Title IX, 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.

This procedure will be used to address needs raised by transgender students and/or their parent(s)/guardian(s).

- 1. A transgender student and/or their parent(s)/guardian(s) should contact the student's counselor or building administrator. In the case of a student who has not yet enrolled in school, the appropriate building administrator should**

GSD Proposed Policy

11-1-16 Policy Committee

12-6-16 Policy Committee – 2nd reading

1-9-17 School Board Meeting – 1st reading

1-12-2017 Sent to GEA for feedback

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9-10-2019 Policy Committee – 4th reading

10-1-2019 Policy Committee – 5th reading

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be contacted.

2. **A meeting should be scheduled to discuss the student's particular circumstances and needs. In addition to the student, parent(s)/guardian(s) and building administrator, participants may include the school counselor, school nurse, teachers and/or other school staff, and possibly outside providers who can assist in developing a plan for that student.**
3. **A written plan will be developed by the school, in consultation with the student, parent(s)/guardians(s) and others as appropriate, to address the student's particular needs. If the student has an IEP or a 504 Plan, the provisions of these plans should be taken into consideration in developing the plan for addressing transgender issues.**
4. **If the parties cannot reach an agreement about the elements to be included in the plan, the building administrator and/or Superintendent shall be consulted as appropriate.**

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

"Cisgender" refers to a person whose gender identity and expression are aligned with those traditionally associated with their assigned sex at birth.

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12-6-16 Policy Committee – 2nd reading

1-9-17 School Board Meeting – 1st reading

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“Gender non-binary” describes an individual whose gender identity and/or expression does not align with the gender binary of male or female. A gender non-binary person may describe their gender identity and/or expression as androgynous, genderfluid, genderqueer, agender, non-labeling, etc.

Genderfluid describes an individual whose gender identity and/or expression may be gender non-conforming or non-binary, who has a wider and more flexible range of gender expression that may even change from day to day. While the gender expression of a student who is genderfluid is flexible or may appear to change with some frequency, their genderfluid identity can be recognized as the “gender which the student consistently asserts at school” in regards to the policy.

“Gender Transition” is the process by which a person goes from living and identifying as one gender to living and identifying as another gender. Gender transition is typically prompted by the feeling that an individual’s gender identity does not match the one typically associated with their assigned sex at birth. Examples include: transitioning from a boy to a girl, a girl to a boy, a girl to gender non-binary, or a boy to gender non-binary. For most elementary and secondary students, this involves no or minimal medical interventions. In most cases, transgender students under the age of 18 are in a process of “social transition” from one gender to another.

“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. GUIDANCE

A. Privacy

The Gilford School Board recognizes a student's right to keep private one's transgender status or gender non-conforming presentation at school. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential information. School personnel should not disclose information that may reveal a student's transgender status or gender non-conforming presentation to others, including parents and other school personnel, unless legally required to do so or unless the student **or parent** has authorized such disclosure. Transgender and gender non-conforming students have the right to discuss and express their gender

~~Proposed Policy~~
~~-16 Policy Committee~~
~~-16 Policy Committee - 2nd reading~~
~~-17 School Board Meeting - 1st reading~~
~~-2017 Sent to GEA for feedback~~
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~~-17 Policy Committee - 3rd reading~~
~~-2019 Policy Committee - 4th reading~~
~~-2019 Policy Committee - 5th reading~~
~~-2019 School Board - 1st reading~~

identity and expression openly and to decide when, with whom, and how much to share private information.

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.

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 and 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 this or her official records. 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.

Discrimination
Use
Oyster River

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 and have the choice; whatever fits the need of the student.

E. Restroom Accessibility

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 the underlying reason, should will be provided access to a

GSD Proposed Policy

11-1-16 Policy Committee

12-6-16 Policy Committee – 2nd reading

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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~~ **will** 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 the underlying reason, should will 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.~~

Use this
Private
Changing
Area
door

* Staff member present

G. Physical Education Classes & Intramural Sports

Transgender and gender non-conforming students ~~shall~~ **will** 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 non-conforming students will be permitted to participate in interscholastic athletics in a manner consistent with their gender identity.

Interscholastic athletic activities should be addressed through the NHIAA participation policy, ~~Article III, Section 5~~ Article II, Section 21.

I. Dress Codes

Transgender and gender non-conforming students have the right to dress in a manner consistent with their gender identity or gender expression. In general, schools may not adopt dress codes that restrict students' clothing or appearance on the basis of gender.

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J. Discrimination/Harassment

It is the responsibility of each school and the District 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, **see Gilford School Board Policy JBAA**. 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.

(Adopted:)



New Hampshire School Boards Association

Excellence in Public Education Through School Board Leadership

1st Public Comment

11/4/19

Julia (former student) -

Johnna Davis -

Skip Murphy - right to know

Jean Clark -

Lisa DiMartino

Dorothy Piguado

Diane Tinkham

Abi Maxwell -

2nd Public Comment

Skip Murphy - Policy on Religion

Michael Graham

Diane Hanley

Kyle Sanborn - clarity on counselor / student relationship -

12/10 6pm
Community Forum @ Church

• Resubmit Questions

parent - student relationship trumps
counselor - student relationship

Lyne Baron -

Anna Benevides -

Bethany Clark -

~~Mikeala~~ Clark

Jacob Maxwell

Amber Lafore

25 Triangle Park Drive, Suite 101
Concord, New Hampshire 03301
H (603) 228-2061 / FAX (603) 228-2351

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**GILFORD SCHOOL BOARD MEETING
TUESDAY SEPTEMBER 3, 2019
GILFORD HIGH SCHOOL LIBRARY
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The Gilford School Board held a regular meeting on Tuesday September 3, 2019 at the Gilford High School Library. Present were Board members Chris McDonough, Gretchen Gandini, Jeanin Onos, and Karen Thurston. Administrators present were Kirk Beitler, Scott Isabelle, Anthony Sperazzo, Peter Sawyer, and Danielle Bolduc.

Public Hearing – Meadows Expendable Trust

Chris McDonough stated that the hearing was posted in the Laconia Daily Sun. No comments were made on the Meadows Expendable Trust transference of funds. Jeanin Onos made the motion to transfer \$12,350.00 from the Meadows Expendable Trust to the General Fund towards the maintenance of the Meadows. Gretchen Gandini seconded the motion. The motion carried 4-0.

Opening

School Board Chair Chris McDonough called the meeting to order at 6:00 p.m. Superintendent Beitler confirmed posting of the meeting. Chris McDonough led the Pledge of Allegiance.

Jeanin Onos made the motion that the Board approve the minutes of the August 5, 2019 meeting. Karen Thurston seconded the motion. There was no discussion or corrections. The motion passed in the affirmative. Chris McDonough abstained as he was absent from that meeting.

Public Comment

Public comments were made by the following Gilford residents:

- Kyle Sanborn spoke against the implementation of non-gender bathrooms, referring to the recent email from Superintendent Beitler and the SAU. Mr. Sanborn stated that he feels the law is open for interpretation and unconstitutional. Stating that while he has empathy for people dealing with these issues, he feels his children's privacy is being infringed upon. Continuing, he commented on the timing of the email of the new policy. Mr. Sanborn stated that he understands the policy is in line with state law, but it has not gone through the courts, and in his opinion is not federally mandated.
- Chris McDonough stated that he cannot speak for the entire Board, and that it may take some time to get a consensus before answering the public's questions.
- Kyle Sanborn asked if a public meeting was held by the Board.
- Chris McDonough replied it was, that the meeting was posted, and the public meeting was held on Tuesday August 27, 2019 at the SAU office. The school attorney and District Association attorney were contacted and guidance sought. Mr. McDonough said the Board was directed to act on the issue as soon as possible.
- Kyle Sanborn asked if the email was the entirety of the policy.
- Mr. McDonough replied that the District does not have a policy yet; it has not gone through the system. It is a practice/procedure, not an official policy until it goes through the Policy Committee process.

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- Kyle Sanborn asked if his child would be disciplined if the wrong pronoun was used regarding another student, questioning, "I we are going to subject the 99% for the 1%." Mr. Sanborn continued, asking how his children's privacy or protection was going to be handled.
- Mr. McDonough stated that Superintendent Beitler will craft a future response to that question once it has been discussed by the Board.
- Kyle Sanborn shared that the policy is against his religious views, continuing that he believes that he has a legal case to bring forth to protect his children. He inquired if there will be a private space for his daughter to change that would be, in his opinion, safe.
- The Board stated that yes, private spaces are available.

Chris McDonough went into more background on the issue, stating that a student in the school who has been regularly and consistently identifying as the opposite gender followed the previous practice of using a single stall bathroom. Following the passage of the law, the parent asked if their child could use a bathroom that he/she identifies as. Mr. McDonough said that the law states that the child needs to be able to use that bathroom. Our attorney was consulted and advised that the children use that bathroom. Mr. McDonough included that the email states that there are single use bathrooms that can be used by anyone who is uncomfortable with a non-gender bathroom set up.

- Angelo Farruggia spoke on the issue, stating that any child discriminated against for anything is unacceptable. He said that he is upset that the meeting was so short notice and asked why one family's request was more important than any other family's feelings. He said that the transgender bathroom policy should not be in effect until everything is worked out. Mr. Feruggia commented that the bill is loosely and vaguely written, and contradicts many other things. He stated that, in his opinion, it is discriminatory towards his female children. Mr. Feruggia commented that he feels that a single use bathroom is not discriminatory to the transitioning child, and that the Board is taking away his child's rights, although there are single user bathrooms available to her. Mr. Feruggia asked Mrs. Bolduc how many single user bathrooms are available at GES.
- Mrs. Bolduc responded that there are five within the building, with another in each of seven classrooms.
- Mr. Farruggia stated that he feels that those in the classroom offer no privacy, and restated his opposition to implementing the new law without discussion and without a full policy. Mr. Feruggia would like the whole issue tabled until the Board has a definitive plan.
- Skip Murphy spoke next, asking if this public comment is toward anything specific.
- Chris McDonough replied that it is a time to ask about any concern.
- Mr. Murphy inquired about another new law: an unfunded state mandate requiring schools to supply menstrual products in bathrooms. Mr. Murphy stated that he believes requiring the schools to pay for supplies is unconstitutional.
- Chris McDonough replied that we are implementing that practice (buying supplies.)
- Skip Murphy continued, asking about the financial impact on taxpayers for implementing the transgender bathroom policy. He inquired as to who would pay for extra monitoring or if that had yet to be discussed.
- Mr. McDonough stated that the Board will take that under advisement, discuss it, and report back to the public.

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- Mr. Murphy stated his opinion again, asking that the transgender policy be tabled until all the ramifications have been worked out.
- Ryan Fogg spoke to the issue of transgender bathrooms, referencing a discussion about bathrooms that occurred in 2017. Mr. Fogg stated that he has worked in the general public where these issues have arisen. He commented that children will be going into transgender bathrooms, and that he has been in transgender bathrooms before without any issues. He commented that he is in support of transgender bathrooms, stating our children need to be able to accept it and move on with it. He stated that the District needs to provide the facilities to do that, but feels that the District currently does not have the correct facilities for this.
- Mr. Fogg continued, explaining that he brought documents that explain the best practice to meet the needs for a gender-neutral bathroom. He talked about each stall being a separate room that locks with a vacant/occupied indicator on the door, and these individual rooms would be within the general bathrooms. Mr. Fogg stated that the designs have been implemented in other places, usually offices.
- Chris McDonough asked about the construction of the rooms within the bathrooms.
- Ryan Fogg replied that there are walls on all four sides with a peep-hole from the inside so that the occupant could see who might be outside the door. Mr. Fogg expressed concerns as to how long it would take to implement this installation. He urged the Budget Committee and School Board to look at the documents he brought to get gender-neutral bathrooms into our schools. Mr. Fogg stated that he feels that we need a plan, designs, and layouts as soon as possible, and presented the Board with the documents on gender-neutral bathroom design.
- John Sanborn spoke against the changes, stating that he agrees with Kyle Sanborn's comments. He wanted to know when the public can get answers from the Board. After stating his opinions on the issue, he stated that he would like the opportunity to ask specific questions that will get answers.
- Chris McDonough asked John Sanborn to submit his questions to Mr. Beitler at the SAU office so that Superintendent Beitler could address them.
- Skip Murphy spoke again, referencing Mr. Fogg's comments about the facilities. Mr. Murphy stated that the Board needs to address the morality of the situation, referring to the topic of social justice. Mr. Murphy commented that he does not feel that the issue of providing transgender bathrooms was pressing enough to implement it so quickly.
- Mr. Fogg spoke to clarify his comments about the facilities. He stated that our current facilities are not ready, but with the appropriate facilities, the District could create an environment that allows for a safe implementation of the new law.
- Kyle Sanborn spoke again, expressing his concerns about his daughter competing against someone who is biologically a male, and its effect on his daughter's school athletic career.
- Mr. Farruggia spoke again, stating that in his opinion, engineers can tell you how something can be done, but it does not make it right. He expressed his concerns for his children and commented that he feels no one should be discriminated against. He continued, saying that the District should be talking about funding things to better our schools and communities, not these bathrooms.
- Jade Wood spoke next, stating that SB 263 becomes effective September 17, 2019. She asked that the Board reconsider a motion to defer implementation, effectively immediately, especially at GES.
- No motion was made.

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Superintendent's Report

Superintendent Beitler reviewed his written report as written.

Student Learning

Mr. Beitler commented on the learning and curriculum work that our teachers have done this summer with over twenty teachers involved. He stated that he and Paula Mercier met with the 7th/8th grade teachers from Gilford and Gilmanton, as well as the Gilford High School math teachers, to discuss transitions, assessments and curriculum. Mr. Beitler noted he has received very positive comments about the Choose Love presentation.

Families and Communities

Mr. Beitler complimented the staff who participated in the Old Home Day Parade, congratulating them on their first place win. The \$50 prize won by the staff will be donated to Gilford Got Lunch. Superintendent Beitler noted that the start of school after Labor Day has been viewed positively, noting many related it being a more relaxed start to the school year.

Resource Management

Mr. Beitler stated that he is continuing to review the staff survey results. He is focusing on the comments that staff would like to see him in the schools and classrooms more, which he will work on. Mr. Beitler said that there will be another survey in the future.

Safety and Facilities

Superintendent Beitler stated the buildings look great, complimenting Ken Mulleavey and the Building and Grounds crew. Mr. Beitler informed the Board that he had a request from Nick Englert to continue goose hunting at the Meadows. He presented background information regarding the hunting request. The New Hampshire Fish and Game, as well as the Gilford Police Department, approved the hunting.

- Jeanin Onos asked if there was a legal boundary requirement with it being a residential area.
- Mr. Beitler replied that there is one, and according to Fish and Game, has been met.
- Chris McDonough stated that he felt it should continue.
- Karen Thurston made a motion that we allow Nick Englert to continue hunting the geese during the two seasons. Gretchen Gandini seconded.
- Gretchen Gandini asked if only Nick Englert is allowed to hunt.
- Mr. Beitler replied Mr. Englert would be the only one to have permission to hunt there, but he may take some friends there so that two or three people might be with him.
- The motion passed unanimously.

Principals' Reports

Gilford Elementary School

Danielle Bolduc reviewed her report as written with no additional comments.

**GILFORD SCHOOL BOARD MEETING
MONDAY NOVEMBER 4, 2019
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The Gilford School Board held a regular meeting on Monday November 4, 2019 at the Gilford High School Library. Present were Board members Chris McDonough, Gretchen Gandini, Jeanin Onos, Rae Mello-Andrews, and Karen Thurston. Administrators present were Kirk Beitler, Scott Isabelle, Anthony Sperazzo, Peter Sawyer, and Danielle Bolduc. Gilmanton Board members present were Frank Weeks and Malcolm MacLeod. Student Council Representative present was Alex Cheek.

Opening

School Board Chair Chris McDonough called the meeting to order at 6:00 p.m. Superintendent Beitler confirmed posting of the meeting. Chris McDonough led the Pledge of Allegiance.

Gretchen Gandini made the motion that the Board approve the minutes of the September 3, 2019 meeting. Jeanin Onos seconded the motion. There was no discussion nor corrections. The motion passed unanimously in the affirmative.

Public Comment

Public comments were made by the following Gilford residents:

Julia Davis spoke in favor of the proposed policy on transgender students. She stated she first encountered hate speech and bullying, while at Gilford High School, because she is gay. She said she spent years wanting to be "normal" because peers taught her that being gay was bad. She addressed the data on suicide rates/thoughts by LGBTQ children and her own thoughts about committing suicide. She stated that she is standing up for what she believes in and fighting for the rights of the LGBTQ community. Concluding, she said we need to protect these kids at school so that they have a space where they are safe; please keep this in mind when moving forward.

Johnna Davis spoke that she greatly supports the policy to protect transgender students. She stated that middle school was brutal for her daughter because of the bullying, but with the support of her teachers, she made it through. She asked if it would be nicer to start teaching children acceptance at a younger age. Ms. Davis stated that we are a community, we all pay our taxes, and these children all deserve better.

Skip Murphy spoke against the policy. He asked when his Right to Know letters would be answered in full. Mr. Murphy stated that he believes that the Board is trying to assume a power they do not have and gave another set of letters to the Board. He requested the law that is giving them the power to implement the policy, including forcing others to use specific pronouns. He also asked where the Board has the power to do that and what is the authorizing legislation.

Jeanne Clark spoke in support of the transgender policy as she believes in creating a safe environment for the children. She commented on the experience she had had with a person in gender transition. She spoke in support of their right to be called by their chosen name and pronoun of choice. Mrs. Clark stated that she feels the proposed policy is a start, making all aware and informed.

Lisa DiMartino spoke in favor of the proposed policy. She stated that inclusion for all students is what we should strive for. She commented that she feels many of the things she heard at the last meeting were based on fear and lack of knowledge. Teaching acceptance of our differences is what makes us a better community.

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Mrs. DiMartino, cont.

She continued, stating that inclusion and acceptance of transgender students in our schools is more than just about policy, that it is the first step of inclusion for transgender students. She said we need to send the message that we value you, and we will create an environment of acceptance; inclusion is acceptance and embracing of all, not just a few.

Dorothy Piquado said she is in complete support of the transgender policy, including the use of the pronouns with which they identify. She stated the issue is about all people being able to determine who they are and not to be defined by us. By adopting the policy, she said we can make acceptance of transgender students come sooner rather than later.

Diane Tinkham spoke about the great reputation of the Gilford schools, saying she is proud to be from Gilford, but this is a challenging moment. She said that by not accepting the policy, we are targeting children, and therefore is very much in support of the policy. She stated that students have a right to be treated fairly, and we should be supportive of all parents and families in the district.

Michael Graham spoke as the pastor of the Gilford Community Church. He stated that he knows that good people struggle with this, for which he has empathy. He stated that we all want what is best for children in the District; he hopes the Board will lead and be proactive, not reactive, so that all students will feel safe and will be treated fairly. He announced that on December 10, 2019 there will be another forum at the Gilford Community Church to which he invited the Board and all those present to attend.

Diane Hanley spoke in favor of the transgender and transgender non-conforming policy, stating that Governor Sununu signed the policy into law. She said that school is a place where children learn about and how to accept their differences. She stated that while others may not understand or support the issue, children cannot be bullied.

Kyle Sanborn spoke against the policy, saying he feels that it is against the rights of all others while in support of one. He stated that he feels his First Amendment Rights are being infringed upon. He said that he asked in a letter about the part where parents might not be informed, especially related to a student meeting with a counsellor. He questioned that it was a violation of a parent's rights. He wants to know if it is the policy of the District where the student/counsellor relationship is held above the student/parent relationship. He stated that he assumed the Board is in favor of the student/counsellor relationship over the parent's rights, and that this is against the legal standing of the parents. Mr. Sanborn asked if it is the intent of the School Board that the policy also include the general public, asked about some of the words defined in the policy, and asked how to discern someone who is truly transgender versus someone who is pretending to be transgender.

Lynn Baron spoke in favor of the policy; that it is the law. She said it should not be based on our fears, children need our support, and they need to be true to themselves and are brave for doing that. She stated that we need to rally behind these families; they need our empathy and support. She commented that there are non-gender specific bathrooms at her children's college.

Anna Benevides spoke in favor of the policy. She added that there are nineteen schools in New Hampshire that have policies already in place, some since 2015, and with no incidences of injury to or by transgender students. She reiterated that the policy is what is best for all students.

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Bethany Clark spoke about an incident as a freshman where she felt threatened, based on a comment made to her. She stated that we can start moving forward by educating other students about transgender students, make the student who is transgender feel safe and comfortable here, and she is in support of the policy.

Mikayla Clark spoke in favor of the policy, quoting a panelist from a forum presented at the Gilford Community Church, "There is nothing worse than telling a child they cannot be who they are." She said that we need to go beyond the policy, it is a culture shift.

Jacob Maxwell spoke about the following facts: no transgender person has committed an assault in a transgender bathroom; 46% of transgender persons who are not affirmed by their family and community try to commit suicide; and when the community affirms the transgender child, the rate drops to 4%. Mr. Maxwell encouraged the Board to base their decision on fact not fear, as it is the law.

Amber Latorre spoke in favor of and asked the Board to support the policy. She said we must distinguish fact from fiction, and many schools have already adopted the policy without any issues. She asked the Board to choose love over fear and support the policy.

Abby Maxwell spoke to encourage the Board to adopt the policy supporting transgender and gender non-conforming students, encouraging the Board to continue to look at the research. She said research shows that if these students are supported by their families and communities, they have a chance at survival. Following additional comments, she encouraged Board to pass the policy and continue to educate the staff and community.

Chris McDonough closed the Public Comment section at this time.

Student Report

Student Council Representative Alex Cheek read his report as written. He stated that all juniors took the PSAT on Wednesday October 9, 2019. The results will arrive in December. Chris McDonough asked if Alex felt he had had enough time to meet with the teachers he wanted to see during the lead block. Alex replied that he did, and felt very positive about the experience.

World Language Teachers

Janice Stowell and Louise Jagusch spoke about the organizing of the foreign trip as now being a two-year process. They thanked the Board for the trips being allowed and supported. They are asking for additional compensation for the time spent preparing for these trips, in addition to what they receive during the actual time of the trips. They are requesting consideration of compensation for the non-travel years, which is eighteen months. The additional compensation would cover their prep time.

Janice Stowell and Louise Jagusch presented the trip to France which is proposed for the spring of 2021. They shared their written report on the trip. Janice Stowell spoke about the time spent organizing fund raisers and meeting with students and parents. Chris McDonough stated that the Board would take this under consideration and Mr. Beitler will respond with the Board's decision.

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Business Administrator Report

Scott Isabelle reviewed his financial report as written. It is on the School District's website. The link is attached.
<https://www.sau73.org/common/pages/DisplayFile.aspx?itemId=23001429>

Gretchen Gandini asked if we would get an update on the budget. Mr. Isabelle stated that they would. Mr. Isabelle asked if there will be a time allotted to review the default budget; the Budget Committee is meeting to discuss this on December 20, 2019. Chris McDonough said there will be no separate meeting. Gretchen Gandini stated that assuming nothing different comes to the table, she agrees with Mr. McDonough on not having a separate meeting. The Board will discuss the default budget at the December meeting. Mr. Isabelle said he will have the default budget to the board a week before the meeting.

Principals' Reports

Gilford Elementary School

Danielle Bolduc reviewed her report as written. She discussed learner's conferences and other topics from her report. November 21, 2019 will be the annual Thanksgiving dinner at the elementary school.

Gretchen Gandini asked if the question was ever asked about Gilford Elementary School redirecting traffic to the Community Church, and having people walk to the school for the dinner. Danielle Bolduc replied that she would do that.

Gilford Middle School

Peter Sawyer reviewed his report as written. He gave a special kudos to Sean Walsh for getting Scarlett Lewis, creator of the Choose Love program, here to speak on November 5, 2019. Mr. Sawyer reminded all that the Lego Robotics Tournament will be held on November 16, 2019 at Gilford Middle School. Rae Mello-Andrews asked how many people are expected for the tournament. Mr. Sawyer said that there were 13-14 teams last year, and they would anticipate the same for this year. Gretchen Gandini asked if the upcoming Choose Love program was for parents or families. Mr. Sawyer stated that it is for community members; Danielle Bolduc said babysitting would be available.

Gilford High School

Anthony Sperazzo reviewed his report as written. He is seeking approval for the 2019 date of graduation. He reviewed the feedback from the graduation survey: 66 senior parents reported; of those, 72% would prefer holding graduation at the Bank of NH Pavilion if they will have us. Mr. Sperazzo stated that we have to wait until sixty days out to discuss that with them, which would put graduation on June 21, 2019. All seniors who responded prefer the pavilion venue. Mr. Sperazzo noted the proposed finish date of June 17, 2019, with senior finals taking place five days prior to that. Given the survey results, Mr. Sperazzo said that he will come to the Board in March to set the date for this year's graduation.

Karen Thurston asked what would happen if the Pavilion has performances that weekend. Mr. Sperazzo replied that we would have to look at other alternatives, and he would also ask the Pavilion for an earlier date that might be open. Rae Mello-Andrews made the motion that we go with Bank of NH Pavilion, pending the dates and availability. Karen Thurston seconded. The vote was unanimous, motion carried.

GSD Proposed Policy

11-1-16 Policy Committee

12-6-16 Policy Committee – 2nd reading

1-9-17 School Board Meeting – 1st reading

1-12-2017 Sent to GEA for feedback

2-6-17 School Board Meeting – 2nd reading

2-14-17 Policy Committee – 3rd reading

9-10-2019 Policy Committee – 4th reading

10-1-2019 Policy Committee – 5th reading

10-7-2019 School Board – 1st reading

11-19-2019 Policy Committee

12-2-2019 School Board Meeting – 1st reading

12-10-2019 Sent to GEA for feedback

1-6-2020 School Board – 2nd reading

JBAB
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TRANSGENDER AND GENDER NON-CONFORMING STUDENTS

I. PURPOSE

The Gilford School 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.

This policy sets out guidelines for schools and district staff to address the needs of transgender and gender non-conforming students and clarifies how state law, SB263, 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 ensure the safety, comfort, and healthy development of the transgender or gender non-conforming student while maximizing the student's social integration and minimizing stigmatization of the student.

When a student or the 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. Under Title IX, there is no medical diagnosis or treatment requirement that students must meet as a prerequisite to being treated consistent with their gender identity. 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.

This procedure will be used to address needs raised by transgender students and/or their parent(s)/guardian(s).

1. A transgender student and/or their parent(s)/guardian(s) should contact the

GSD Proposed Policy

11-1-16 Policy Committee

12-6-16 Policy Committee – 2nd reading

1-9-17 School Board Meeting – 1st reading

1-12-2017 Sent to GEA for feedback

2-6-17 School Board Meeting – 2nd reading

2-14-17 Policy Committee – 3rd reading

9-10-2019 Policy Committee – 4th reading

10-1-2019 Policy Committee – 5th reading

10-7-2019 School Board – 1st reading

11-19-2019 Policy Committee

12-2-2019 School Board Meeting – 1st reading

12-10-2019 Sent to GEA for feedback

1-6-2020 School Board – 2nd reading

student's counselor or building administrator. In the case of a student who has not yet enrolled in school, the appropriate building administrator should be contacted.

2. A meeting should be scheduled to discuss the student's particular circumstances and needs. In addition to the student, parent(s)/guardian(s) and building administrator, participants may include the school counselor, school nurse, teachers and/or other school staff, and possibly outside providers who can assist in developing a plan for that student.
3. A written plan will be developed by the school, in consultation with the student, parent(s)/guardians(s) and others as appropriate, to address the student's particular needs. If the student has an IEP or a 504 Plan, the provisions of these plans should be taken into consideration in developing the plan for addressing transgender issues.
4. If the parties cannot reach an agreement about the elements to be included in the plan, the Superintendent shall be consulted as appropriate.

II. 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.

GSD Proposed Policy

11-1-16 Policy Committee

12-6-16 Policy Committee – 2nd reading

1-9-17 School Board Meeting – 1st reading

1-12-2017 Sent to GEA for feedback

2-6-17 School Board Meeting – 2nd reading

2-14-17 Policy Committee – 3rd reading

9-10-2019 Policy Committee – 4th reading

10-1-2019 Policy Committee – 5th reading

10-7-2019 School Board – 1st reading

11-19-2019 Policy Committee

12-2-2019 School Board Meeting – 1st reading

12-10-2019 Sent to GEA for feedback

1-6-2020 School Board – 2nd reading

"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.

"Cisgender" refers to a person whose gender identity and expression are aligned with those traditionally associated with their assigned sex at birth.

"Gender non-binary" describes an individual whose gender identity and/or expression does not align with the gender binary of male or female. A gender non-binary person may describe their gender identity and/or expression as androgynous, genderfluid, genderqueer, agender, non-labeling, etc.

"Genderfluid" describes an individual whose gender identity and/or expression may be gender non-conforming or non-binary, who has a wider and more flexible range of gender expression that may even change from day to day. While the gender expression of a student who is genderfluid is flexible or may appear to change with some frequency, their genderfluid identity can be recognized as the "gender which the student consistently asserts at school" in regards to the policy.

"Gender Transition" is the process by which a person goes from living and identifying as one gender to living and identifying as another gender. Gender transition is typically prompted by the feeling that an individual's gender identity does not match the one typically associated with their assigned sex at birth. Examples include: transitioning from a boy to a girl, a girl to a boy, a girl to gender non-binary, or a boy to gender non-binary. For most elementary and secondary students, this involves no or minimal medical interventions. In most cases, transgender students under the age of 18 are in a process of "social transition" from one gender to another.

"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. GUIDANCE

A. Privacy

GSD Proposed Policy

11-1-16 Policy Committee

12-6-16 Policy Committee – 2nd reading

1-9-17 School Board Meeting – 1st reading

1-12-2017 Sent to GEA for feedback

2-6-17 School Board Meeting – 2nd reading

2-14-17 Policy Committee – 3rd reading

9-10-2019 Policy Committee – 4th reading

10-1-2019 Policy Committee – 5th reading

10-7-2019 School Board – 1st reading

11-19-2019 Policy Committee

12-2-2019 School Board Meeting – 1st reading

12-10-2019 Sent to GEA for feedback

1-6-2020 School Board – 2nd reading

The Gilford School Board recognizes a student's right to keep private one's transgender status or gender non-conforming presentation at school. Information about a student's transgender status, legal name, or gender assigned at birth also may constitute confidential information. School personnel should not disclose information that may reveal a student's transgender status or gender non-conforming presentation to others, including parents and other school personnel, unless legally required to do so or unless the student or parent has authorized such disclosure. 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 to share private information.

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.

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 under this policy should be addressed by a name or pronoun that corresponds to the student's gender identity that is consistently asserted at school.

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

GSD Proposed Policy

11-1-16 Policy Committee

12-6-16 Policy Committee – 2nd reading

1-9-17 School Board Meeting – 1st reading

1-12-2017 Sent to GEA for feedback

2-6-17 School Board Meeting – 2nd reading

2-14-17 Policy Committee – 3rd reading

9-10-2019 Policy Committee – 4th reading

10-1-2019 Policy Committee – 5th reading

10-7-2019 School Board – 1st reading

11-19-2019 Policy Committee

12-2-2019 School Board Meeting – 1st reading

12-10-2019 Sent to GEA for feedback

1-6-2020 School Board – 2nd reading

their gender identity and have the choice; whatever fits the need of the student.

E. Restroom/Locker Room Accessibility

The use of restroom/locker rooms requires schools to consider a number of factors, including but not necessarily limited to the safety and comfort of students; the transgender student's preference; student privacy; the ages of students; and available facilities. As a general rule, transgender students will be permitted to use the restroom/locker room assigned to the gender which the student consistently asserts at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason will be provided with a reasonable alternative changing area or single occupant bathroom.

G. Physical Education Classes & Intramural Sports

As a general rule, in any other facilities or activities when students may be separated by gender, transgender students may participate in accordance with the gender identity consistently asserted at school.

Interscholastic athletic activities should be addressed through the NHIAA participation policy, Article II, Section 21.

I. Dress Codes

All students are required to meet the requirements in the dress code or school rules. Transgender students may dress in accordance to the gender which the student consistently asserts at school.

J. Discrimination/Harassment

It is the responsibility of each school and the District 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, see Gilford School Board Policy JBAA. Complaints alleging discrimination, harassment or bullying based on a person's actual

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or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination, harassment or bullying complaints. Refer to policy AC, JBAA, and/or JICK.

IV. STAFF TRAINING

1. The Superintendent and/or building principal may institute in-service training and/or distribute educational materials about transgender issues to school staff as deemed appropriate.
2. Teachers and other staff who have responsibilities for a transgender student with a plan, as outlined in this policy, will receive support in implementing the plan.

(Adopted:)

**GILFORD SCHOOL BOARD MEETING
MONDAY DECEMBER 2, 2019
GILFORD HIGH SCHOOL LIBRARY
Page 1 of 6**

The Gilford School Board held a regular meeting on Monday December 2, 2019 at the Gilford High School Library. Present were Board members Chris McDonough, Gretchen Gandini, Jeanin Onos, and Karen Thurston. Administrators present were Kirk Beitler, Scott Isabelle, Anthony Sperazzo, Rick Acquilano, Peter Sawyer, and Danielle Bolduc. Gilmanton Board members present were Michelle Heyman and Malcolm MacLeod.

Opening

School Board Chair Chris McDonough called the meeting to order at 6:04 p.m. Superintendent Beitler confirmed posting of the meeting. Chris McDonough led the Pledge of Allegiance.

Jeanin Onos made the motion that the Board approve the minutes of the October 22, 2019 meeting. Gretchen Gandini seconded. Gretchen Gandini made the motion that the Board approve the minutes of the October 23, 2019 meeting. Jeanin Onos seconded. Both minutes were approved unanimously as amended. Michelle Heyman and Malcolm MacLeod abstained.

Jeanin Onos made the motion that the Board approve the minutes of the November 4, 2019 meeting. Gretchen Gandini seconded the motion. Corrections were made. The motion passed in the affirmative.

Public Comment

Public comments were made by the following Gilford residents:

Betty Tidd spoke about her lack of knowledge about the transgender subject, but learning about a friend's child being transgender encouraged her to learn about the topic. It is not a sexual agenda for the child, it is about identity, she stated. She said that children should be given the choice of which bathroom to use or which locker room. "How we as adults respond to their bravery is so important," she commented. She stated that she had attended a policy committee meeting and was impressed with the work being done, and feels we need this policy for all of our children.

Skip Murphy spoke about the policy and questioned as to when the policy has to be instituted. Reading from the law, RSA 354-a, Mr. Murphy asked to know when the Board will be developing the infrastructure for this policy, covering all of the protected classes of people listed in the RSA. Chris McDonough replied that we are currently working on one section at present. Mr. Murphy stated that the law is asking for a coordinated plan. He would like to know when the Board will be dealing with that. Chris McDonough said that Kirk Beitler will get him an answer on a coordinated plan. Mr. Murphy stated that he wants all other protected classes listed to be addressed by a policy.

Dorothy Piquado spoke about a previous comment regarding a transgender female competing on a girls' sports team. She stated that the myth is that there will be an unfair advantage for the transgender child, should the child be allowed to participate as the gender with which they identify. She clarified several myths. She stated that she feels that all students should not be excluded from participation in any athletics or other after school activity. She continued that there is no research to support the claim that a competitive imbalance exists when competing on the team with which they identify. She also stated that transgender students compete on teams with which they identify in everyday life, not just when participating in sports.

**GILFORD SCHOOL BOARD MEETING
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Kyle Sanborn spoke about a letter he wrote to the Laconia Daily Sun. He gave evidence he found stating that biological boys have caused girls to lose out on scholarships. He feels that the policy is regressive, not progressive, and the policy is against Title IX.

Angelo Farruggia stated that he feels acceptance of a child is important, but when infringing on the rights of others to get there is where there is an issue. He stated that he feels that we are trampling on the rights of others, and that we can't trample on the rights of one to support the rights of others. He reiterated that he is against the policy.

Joe Wernig spoke about people referring to one student, and one family, saying it is not about just one student, that we have students at all schools who are transgender. Mr. Wernig stated that he has coached for 30 years, and scholarships don't just go to record holders. He said that we need to focus on the policy, and a similar policy is in effect in his district without issue; that no rights are infringed upon in his district – he has not seen this at all in his district. He said that as an educator, the biggest issue we have is how the kids feel and it is the parents who have the issue, not the kids. Mr. Wernig stated that the policy is simple; there is nothing on record having an issue with problems caused by the transgender students, only by the non-transgender students.

Gaye Fedorchak said that she understands that people are speaking from the heart. She questioned that staff is being told not to use the word transgender. She continued, saying that we need to have students feel able to ask the questions they need to ask.

Matthew Wood said that he feels that we need to have more conversations on the topic, as in his opinion it feels like one side is against the other, but that no one is trying to discriminate against the other side. He stated that he feels the Board should be more supportive of a policy that is best for Gilford, not other towns, and he wants to see that time is taken to be sure it is done the right way.

Public comment was closed at this time.

Superintendent's Report

Mr. Beitler presented his report as written.

Following presentation of the proposed 2020-2021 School Calendar, the following discussion ensued.

- Michelle Heyman asked if the HUOT start date would impact us. Mr. Beitler replied that it would mean a three day difference for GHS students.
- Chris McDonough asked about the start date for athletic games. Rick Acquilano said that the first day of practices would be around August 9, 2020, with the first games being near the end of August and before the students come back to school. Kirk Beitler stated that we did that this year as well.
- Gretchen Gandini commented that she has heard a lot of positive comments on the late start this year. However, she is concerned about the start time for HUOT students.
- Michelle Heyman asked if the missing three days would impact the HUOT students as aspects of the program depend on their attendance. Mr. Beitler said that they would not be penalized for missing those three days.
- Karen Thurston reminded the Board that our start date was affected by Laconia schools starting after Labor Day, but now Laconia has flipped and gone back to starting before the holiday.
- Gretchen Gandini asked about other sending schools and their start dates. (Shaker Regional starts before the holiday.)