

GENDER IDENTITY POLICY

The Lake George Central School District is committed to fostering a safe environment for all staff and students, free from discrimination and harassment on the basis of sex, gender, gender identity, gender nonconformity, and gender expression. In accordance with applicable law, regulations, and guidelines, the District will ensure that students have equal access to all school programs, facilities, and activities. The District will assess and address the specific needs of each student on a case-by-case basis.

Key Terms

Generally, District personnel should use the language that individual students are using to describe their own gender identity, appearance, or behavior. The most commonly used terms are:

- Cisgender: the sex designation, usually “male” or “female,” assigned to a person when they are born.
- Gender: actual or perceived sex.
- Gender identity: a person's inner sense or psychological knowledge of being male, female, neither, or both.
- Gender expression: the ways a person conveys their gender identity to others, such as through behavior, appearance, clothing, hairstyle, activities, voice, and mannerisms.
- Gender nonconforming (GNC): describes someone whose gender identity or gender expression does not conform to social or stereotypical expectations of a person with that sex assigned at birth. This is also referred to as gender variant or gender atypical.
- Transgender: someone whose gender identity is different than his or her sex assigned at birth.
- Transition: the process by which a person socially or physically aligns their gender expression more closely to their gender identity than their assigned sex at birth.

Records

As required by law, the District will maintain the confidentiality of student information and records. If a transgender or GNC student has officially changed his or her name, as demonstrated by court order or birth certificate, the District will change its official and unofficial records, as needed, to reflect the change. The District will maintain records with the student's assigned birth name in a separate, confidential file.

The District will assess and address the specific needs of each student on a case-by-case basis for unofficial records (e.g. yearbook, school pictures, etc.) when an unofficial name change request is presented to the school district.

Planning/development of plan

When apprised of a student's transgender or GNC status, the District will endeavor to engage the student and his or her parents or guardians, as appropriate, in an effort to agree upon a periodically reviewed plan that will accommodate the student's individual needs at school which will take into consideration, but is not limited to the bulleted consideration factors listed below.

Transgender and gender nonconforming students have the right to discuss, convey and express their gender identity and expression openly and to decide when, with whom, and how much to share their private, confidential information. The fact that a student chooses to disclose his or her transgender status to staff or other students does not authorize school staff to disclose other medical information about the student.

Administration and or designee should work closely with the student and, if appropriate parents/guardians, in devising a plan regarding the confidentiality of the student's transgender status that works for both the student and school. Privacy considerations may also vary with the age of the student.

In some cases, transgender students may feel more supported and safe if other students are aware that they are transgender. In these cases, school personnel should work closely with the student, parent/guardian, and staff on a plan to inform and educate the student's peers.

Names and Pronouns

When apprised of a student's transgender or GNC status, the District staff will use the name and pronoun that corresponds to the gender identity the student consistently asserts at school. The District will endeavor to engage the student and his or her parents or guardians, as appropriate, in an effort to agree upon a plan that will accommodate the student's individual needs at school. Transgender and GNC students have the right to discuss and convey their gender identity and expression openly and to decide when, with whom, and how much to share this confidential information. The plan (as referenced above) may therefore include when and how to initiate the student's preferred name and associated pronoun use and if, when, and how this is communicated to others.

Restrooms and Locker Rooms

When apprised of a student's transgender or GNC status, the District will allow a transgender or GNC student to use the restroom and locker room that corresponds to the student's consistently expressed gender identity at school. Any student requesting increased privacy or other accommodations when using bathrooms or locker rooms will be provided with a safe and adequate alternative, but they will not be required to use that alternative.

Locker rooms, and bathrooms which can be accessed by multiple users simultaneously, shall be designated for use by males or by females. Either males or females may use single-user, unisex bathrooms.

Private, single-user bathrooms and alternative changing facilities shall be made available, to the extent practicable, to any student or staff member who has a particular need for privacy or other features of those facilities. In granting access, building administrators will take into consideration the student's or staff member's physical safety and other needs. The District has the obligation to protect the safety and dignity of all students and staff. In furtherance thereof, the use of bathrooms and locker rooms based on the student's consistently expressed gender identity requires schools to carefully consider numerous factors, including, but not limited to:

- the gender identity consistently expressed at school/work of the student or staff member;
- satisfactory documentation of gender status/identity;
- in the case of students, the age/grade level and maturity of the students;
- the protection of privacy for all students and staff members;
- the intent to maximize social integration;
- the intent to minimize stigmatization; and
- the intent to ensure equal opportunity to participate.

The decision to make such facilities available shall be consistent with the regulations promulgated to implement this policy. Students/staff members wishing to use the bathrooms/changing facilities of the individual's consistently expressed gender identity, which is different from the sex assigned to the student/staff member at birth, shall submit a written request to their building administrator. Such requests shall be accompanied by documentation of the student/staff's gender status/identity, where available. Documentation may include, but is not limited to, documentation of specific medical treatment, counseling, or therapy, as well as change in name and gender identity on an official birth certificate.

No student or staff member shall be required to use a locker room or bathroom that conflicts with the student's or staff member's consistently expressed gender identity.

Physical Education and Sports

Physical education is a required part of the District's curriculum. Where these classes are sex-segregated, students will be allowed to participate in a manner consistent with their gender identity. Students will likewise be allowed to participate in intramural activities consistent with their gender identity.

Upon written notification that a transgender or GNC student would like an opportunity to participate in the District's interscholastic athletics program consistent with his or her gender identity, the District will determine his or her eligibility in accordance with applicable law, regulations, and guidelines. The District will confirm the student's asserted gender identity with documentation it considers appropriate from a parent/guardian, counselor, doctor, psychologist, psychiatrist, or other medical professionals. The student's gender identity should be the same as the identity used for District registration and other school purposes.

The District's athletic director will notify opposing team athletic directors or the New York State Public High School Athletic Association if a student needs any accommodations during competitions. Any appeal regarding the District's eligibility decision will be directly to the Commissioner of Education.

See additional guidance from State Ed. in regard to participation in interscholastic athletics.

Other Activities

Generally, in other circumstances where students may be sex-segregated, such as overnight field trips, students may be permitted to participate in accordance with the gender identity that the student consistently asserts at school. Student privacy concerns will be addressed individually and on a case-by-case basis in accordance with District policy and applicable law, regulations, and guidelines.

Dress Code and Team Uniforms

Transgender or GNC students may dress in accordance with their gender identity or expression, within the parameters of the District's dress code. The District will not restrict students' clothing or appearance on the basis of gender.

The District's dress code applies while its athletes are traveling to and from athletic contests. Athletes will have access to uniforms that are appropriate for their sport.

In accordance with the District DASA Policy, a plan will be developed to promulgate this policy. This plan would include a periodic review by the Board of Education to ensure compliance with applicable rules, laws, or regulations.

Appeal Process

If a student or parent disagrees with the plan set forth by building administration please refer to the District DASA policy for the process of appealing the decision.

Prevention and Training

District staff and students will be trained according to the District DASA policy.

Reference:

Family Educational Rights and Privacy Act (FERPA), 20 USC § 1232g, 34 CFR Part 99

Title IX of the Education Amendments of 1972

Education Law Article 2 and §§ 2-d, 11(7), 3201-a, 8 NYCRR § 100.2

Cross reference: Dignity for All Students Act.

Adopted: 6/14/16