

# Board Policy

## Student Gender Identity

All students need a safe and supportive educational environment to progress academically and developmentally. Eastern Suffolk BOCES is committed to fostering a safe learning environment for all 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, ESBOCES will ensure that students have equal access to all ESBOCES programs, facilities, and activities. ESBOCES will assess and address the specific needs of each student on a case-by-case basis.

### Records

Following the submission of a name change order or other government issued document or court issued documentation of a name change for any current or past student, ESBOCES will update the student's name on any document or record issued or maintained by ESBOCES. This is not applicable to archival records that cannot be accessed or when modifying archival records is prohibited by law. ESBOCES will update any current or past student's gender upon submission of any form of government identification.

For any current or past student who has not officially changed their name or gender, ESBOCES will, upon request, update its records to reflect the student's asserted name and/or gender. However, ESBOCES may need to use the student's legal name and gender in certain, limited circumstances. Any student identification cards will be issued with the name reflecting the gender identity the student consistently asserts at ESBOCES schools.

ESBOCES will maintain the confidentiality of student information and records as required by law. Further, any records with a student's assigned birth name and gender will be maintained in a separate, confidential file.

### Names and Pronouns

When apprised of a student's transgender or GNC status, ESBOCES will endeavor to engage the student and their parents/persons in parental relation, only with prior approval from student, in an effort to agree upon a plan that will accommodate the student's individual needs at ESBOCES. 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 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. ESBOCES staff will use the name and pronoun that corresponds to the gender identity the student consistently asserts at ESBOCES and, where appropriate, involve the student's component district.

### Restrooms and Locker Rooms

ESBOCES 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 ESBOCES. 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. Additionally, ESBOCES will ensure that all single-occupancy bathroom facilities are

designated as gender neutral for use by no more than one occupant at a time or for family or assisted use.

### **Physical Education and Sports**

Physical education is a requirement of the New York State Education Department. 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.

### **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 ESBOCES. Student privacy concerns will be addressed individually and on a case-by-case basis in accordance with ESBOCES 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 ESBOCES dress code. ESBOCES will not restrict students' clothing or appearance on the basis of gender.

### **Key Terms**

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

***Assigned sex at birth*** means the sex designation, usually male or female, assigned to a person when they are born.

***Cisgender*** means a person whose gender identity corresponds to their assigned sex at birth.

***Gender*** means actual or perceived sex and includes a person's gender identity or expression.

***Gender expansive*** means a person with a wider, more flexible range of gender identity and/or expression than typically associated with the binary gender system. This term is often used as an umbrella term when referring to young people still exploring the possibilities of their gender expression and/or gender identity.

***Gender expression*** means the ways in which a person conveys their gender identity to others, such as through behavior, appearance, clothing, hairstyle, activities, voice, and mannerisms.

***Gender identity*** means a person's inner sense or psychological knowledge of being male, female, neither, or both.

***Gender nonconforming (GNC)*** means someone whose gender identity or gender expression does not conform to social or stereotypical expectations of a person with that gender assigned at birth. This is also referred to as *gender variant* or *gender atypical*.

**Transgender** means someone whose gender identity is different than their assigned sex at birth.

**Transition** means the process by which a person socially and/or physically aligns their gender expression more closely to their gender identity than their assigned sex at birth.

**References:**

- Family Educational Rights and Privacy Act (FERPA), 20 USC Section 1232g
- Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.
- 34 CFR Parts 99 and 106
- Civil Rights Law Sections 40-c, 64, and 67
- NYS Education Guidance framework and legal update – *Creating a Safe, Supportive, and Affirming School Environment for Transgender and Gender Expansive Students: 2023 Legal Update and Best Practices* - <https://www.nysed.gov/sites/default/files/programs/student-support-services/creating-a-safe-supportive-and-affirming-school-environment-for-transgender-and-gender-expansive-students.pdf>
- NYS Education Law Article 2 and Sections 2-d, 313, and 3201-a
- NYS Human Rights Law
- Executive Law Section 290 et seq.
- 8 NYCRR Section 100.2
- Board Policy 6100 – Dignity for All Students Act
- Board Policy 6560 – Harassment, Bullying, and Discrimination (Students)
- Board Policy 5123 Title IX and Sex Discrimination
- Board Policy 2430 Threats of Violence in ESBOCES Facilities
- Administrative Regulation 6560R.1 – Harassment, Bullying, and Discrimination (Students)
- Administrative Regulation 2410R.1 – Code of Conduct

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