

## Students

**SUBJECT: STUDENT GENDER IDENTITY**

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

**Key Terms**

"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 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.

**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, the BOCES will update the student's name on any document or record issued or maintained by the BOCES. This is not applicable to archival records that cannot be accessed or when modifying archival records is prohibited by law. The BOCES will update any current or past student's gender upon submission of any form of government identification.

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**SUBJECT: STUDENT GENDER IDENTITY (Cont'd.)**

For any current or past student who has not officially changed their name or gender, the BOCES will, upon request, update its records to reflect the student's asserted name and/or gender. However, the BOCES 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 school.

The BOCES 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, the BOCES will endeavor to engage the student and their 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 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. BOCES staff will use the name and pronoun that corresponds to the gender identity the student consistently asserts at school.

**Restrooms and Locker Rooms**

The BOCES 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. Additionally, the BOCES 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**

Physical education is a required part of the BOCES' curriculum. Where these classes are sex-segregated, students will be allowed to participate in a manner 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 school. Student privacy concerns will be addressed individually and on a case-by-case basis in accordance with BOCES policy and applicable law, regulations, and guidelines.

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**SUBJECT: STUDENT GENDER IDENTITY (Cont'd.)****Dress Code and Team Uniforms**

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

Family Educational Rights and Privacy Act (FERPA), 20 USC Section 1232g  
Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.  
34 CFR Parts 99 and 106  
Civil Rights Law Sections 40-c, 64, and 67  
Education Law Article 2 and Sections 2-d, 313, and 3201-a  
New York State Human Rights Law, Executive Law Section 290 et seq.  
8 NYCRR Section 100.2

NOTE: Refer also to Policies #3410 -- Code of Conduct  
#3420 -- Non-Discrimination and Anti-Harassment in the BOCES  
#3421 -- Title IX and Sex Discrimination  
#5633 -- Gender Neutral Single-Occupancy Bathrooms  
#7550 -- Dignity for All Students  
#7551 -- Sexual Harassment of Students  
#7553 -- Hazing of Students  
#8242 -- Civility, Citizenship, and Character Education/Interpersonal  
Violence Prevention Education

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