

Legal Reference

GENDER IDENTITY AND EXPRESSION

Other Reasons:

N.J.S.A. 18A:37-15 requires policy that prohibits harassment, intimidation or bullying on school property, at a school-sponsored function or on a school bus. The board is required to adopt the policy through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives. The policy is to be published with any codes of conduct or student handbooks. (See policy 5131 Conduct/Discipline).

N.J.A.C. 6A:7-1.4 mandates policy on equal educational opportunity, and recognition of the value of diversity of persons and groups within society and promoting the acceptance of persons of diverse backgrounds regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability or socioeconomic status; and fosters a learning environment that is free from all forms of prejudice, discrimination, and harassment based upon race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status.

N.J.A.C. 6A:7-1.7 requires the board to provide equal and bias-free access for all students to all school facilities, courses, programs, activities and services regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability or socioeconomic status.

Recommendation:

A policy statement affirming the board’s commitment to create an inclusive environment in which transgender and gender nonconforming students feel safe and supported, and to ensure that each school provides equal educational opportunities for all students, in compliance with N.J.A.C. 6A:7-1.1 et seq.

The policy should address:

- A. A student centered approach; parental consent is not required for a school district to accommodate a student’s gender identity and/or expression;
- B. Measures to ensure a safe and supportive school environment;
- C. Harassment, intimidation and bullying investigations and appropriate disclosure of information in accordance with N.J.S.A. 18A:37-14 et seq. and board policy 5131.1 Harassment, Intimidation and Bullying;
- D. Access to school facilities and activities;
- E. Confidentiality and privacy;
- F. Resources and support for students and families; and
- G. Student records.

DOMESTIC VIOLENCE (continued)

School districts should also ensure appropriate staff development regarding the implementation of the policy and as needed, targeted toward the needs of individual students.

Legal References:	<u>N.J.S.A.</u> 2C:16-1	Bias intimidation
	<u>N.J.S.A.</u> 2C:33-4	Harassment
	<u>N.J.S.A.</u> 10:5-1 <u>et seq.</u>	Law Against Discrimination
	<u>N.J.S.A.</u> 18A:6-5	Inquiry as to religion and religious tests prohibited
	<u>N.J.S.A.</u> 18A:6-6	No sex discrimination
	<u>N.J.S.A.</u> 18A:26-1	Citizenship of teachers, etc.
	<u>N.J.S.A.</u> 18A:26-1.1	Residence requirements prohibited
	<u>N.J.S.A.</u> 18A:29-2	Equality of compensation for male and female teachers
	<u>N.J.S.A.</u> 18A:37-14 through -19	Harassment, intimidation, and bullying defined; definitions
	<u>N.J.S.A.</u> 18A:36-20	Discrimination; prohibition
	<u>N.J.S.A.</u> 18A:36-41	Development, distribution of guidelines concerning transgender students
	<u>N.J.A.C.</u> 6A:7-1.1 <u>et seq.</u>	Managing for Equality and Equity in Education
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
	<u>N.J.A.C.</u> 6A:32-12.1	Reporting requirements
	<u>N.J.A.C.</u> 6A:32-14.1	Review of mandated programs and services

Executive Order 11246 as amended

29 U.S.C.A. 201 - Equal Pay Act of 1963 as amended

20 U.S.C.A. 1681 - Title IX of the Education Amendments of 1972

42 U.S.C.A. 2000e et seq. - Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972

Comprehensive Equity Plan, New Jersey Department of Education

Doe v. Regional School Unit 26, No. 12-582 (Me. Jan. 30, 2014)

New Jersey Department of Education, Transgender Student Guidance for School Districts, September 2018.

<https://nj.gov/education/students/safety/sandp/transgender/Guidance.pdf>.

NJSIAA, Constitution, Bylaws, Rules and Regulations, Transgender Policy (pg. 75), <http://www.njsiaa.org/resources/njsiaa-handbook>

Possible

Cross References:	*2224	Nondiscrimination/affirmative action
	*4111	Recruitment, selection and hiring
	*4111.1	Nondiscrimination/affirmative action
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*4211.1	Nondiscrimination/affirmative action
	*4231/4231.1	Staff development; inservice education/visitations/conferences

DOMESTIC VIOLENCE (continued)

*5131	Conduct/discipline
*5131.1	Harassment, intimidation and bullying
*5145.4	Equal educational opportunity
*6121	Nondiscrimination/affirmative action
*6145	Extracurricular activities

*Indicates policy is included in the Critical Policy Reference Manual.

The following organizations provide support to transgender individuals:

- [GLSEN](#) (The Gay, Lesbian, Straight Education Network) model policy. GLSEN is a prominent organization supporting GLBT youth. They have resources about creating safe and supportive environments for students.
- [The Trevor Project](#) is the leading national organization focused on crisis and suicide prevention efforts among lesbian, gay, bisexual, transgender and questioning youth.

Resources For Parents, Educators, And Service Providers:

Founded in 1972 with the simple act of a mother publicly supporting her gay son, PFLAG is the nation's largest family and ally organization.

PFLAG Resources

- [Welcoming our Trans Families and Friends](#)

Download this free guide (PDF) to get the basics on what being transgender means, how to talk about it, and how to find the resources that can support you.

- [Find a PFLAG Chapter.](#)

There are more than 350 chapters of Parents, Families and Friends of Lesbians and Gays (PFLAG) across the U.S. Find one near you right now.

Partner Organizations Resources

- [National Center for Transgender Equality](#)

Knowing and using correct language can be very important to transgender and gender non-conforming people, just like everyone else. Here is a handy terminology guide regarding gender identity.

- [American Psychological Association](#)

This downloadable pamphlet from the APA answers questions about transgender people, gender identity and gender expression.

Parent and Educator Resources

- [Gender Spectrum](#)

Raising children who don't fit neatly into male or female boxes brings a wealth of questions and uncertainties. Here you will find information and support to assist you in your search for answers.

- [Trans Youth Equality Foundation](#)

DOMESTIC VIOLENCE (continued)

The Trans Youth Equality Foundation is based in Maine, but offers education, advocacy and support for transgender and gender non-conforming children and youth and their families everywhere by sharing information about the unique needs of this community and partnering with families, educators and service providers to help foster a healthy, caring, and safe environment for all transgender children.

- [Families in TRANSition: A Resource Guide for Parents of Trans Youth](#)

Families in TRANSition: A Resource Guide for Parents of Trans Youth is the first comprehensive Canadian publication (created by Central Toronto Youth Services) to address the needs of parents and families supporting their trans children. It summarizes the experiences, strategies, and successes of a working group of community consultants – researchers, counselors, parents, advocates as well as trans youth themselves.

- [Matt Kailey, author of My Child is Transgender: 10 Tips for Parents of Adult Trans Children](#)

This gentle and easy-to-use FAQ gives people an accessible set of guidelines that can be used in everyday life.

- [Working with Transgender Youth \(Lambda Legal & Child Welfare League of America\)](#)

Like all young people in care, transgender youth are entitled to bias-free attention to their unique needs and to be safe in their placements and services. This guide, created by Lambda Legal and the Child Welfare League of America, provides child welfare professionals who work with transgender young people with education about transgender issues and tools to help prepare them to work sensitively with these clients.

- [Trans Youth Family Allies \(TYFA\)](#)

TYFA works to empower children and families by partnering with educators, service providers and communities, to develop supportive environments in which gender may be expressed and respected. They envision a society free of suicide and violence in which all children are respected and celebrated.