

Transgender Student Policy

An essential part of sustaining schools that create joyful cultures and develop resilient, empathetic, and knowledgeable people is ensuring that all community members feel valued, affirmed, and respected. In GLSEN's 2019 *School Climate Study*, an overwhelming 84.4% of transgender students reported feeling unsafe at school due to their identity. In order for children to learn, grow, and develop in our school communities, we must first ensure that their underlying and essential need for safety is met.

Current Laws and Policies

There are several laws and policies that prohibit discrimination against and harassment of transgender students, including (but not limited to):

- [Title IX of the Education Amendments of 1972](#)
- [NY Educ L § 3201-A](#) (2012)
- [Dignity for All Students Act \(DASA\)](#)
- [Gender Expression Non-discrimination Act \(GENDA\)](#)
- [N.Y.C. Admin. Code § 8-102\(23\)](#)
- [Chancellor's Regulation A-830](#)
- [Chancellor's Regulation A-831](#)
- [Chancellor's Regulation A-832](#)

Vertus High School is committed to providing a safe learning environment for all students, free from discrimination and harassment on the basis of sex, gender, gender identity, gender expansiveness, and gender expression, and to ensuring that every student has equal access to Vertus's educational programs and activities. Additionally, Vertus policy requires that all schools and all personnel promote mutual respect, tolerance, and acceptance among all students and staff. The guidelines provided in this policy do not anticipate every situation that might occur with respect to student gender identity and will assess and address the specific needs of each student on a case-by-case basis.

Terms and Definitions

Much of the section below has been taken directly from GLSEN's *Model Local Education Agency Policy on Transgender and Nonbinary Students*.

Transgender and nonbinary students may use different terms to describe their lives and experiences of gender. Terminology and language differ and evolve based on region, language, race or ethnicity, age, culture, and many other factors. Some examples of terms used by some youth include: trans, trans girl, trans boy, nonbinary, genderqueer, gender fluid, demi girl, demi boy, and many more. Some trans youth prefer simply to be referred to as boys or girls except when their trans status is specifically relevant. These terms often mean different things or refer to different experiences of gender. Staff and educators should reflect and use the terms that students use to describe themselves and avoid terms that make these students uncomfortable.

These definitions are provided not for the purpose of imposing labels but rather to assist in understanding this policy and the obligations of school and agency personnel. Students may or may not use these terms to describe themselves or their experiences.

SEX ASSIGNED AT BIRTH: A designation a person is assigned at birth and which is recorded on an infant's birth certificate, if such a certificate exists.

GENDER IDENTITY: A person's deeply held knowledge of their own gender, which can include being a man, woman, another gender, or no gender. Gender identity is an innate part of a person's identity. One's gender identity may or may not align with society's expectations of the sex they were assigned at birth (male, female, or intersex).

Note: throughout this document, it is to be assumed that "gender identity" refers to the gender identity asserted by the student at school.

GENDER EXPRESSION: Expression of gender, whether through hair styles, makeup, or personal fashion, changes over the course of a person's lifetime.

TRANSGENDER/TRANS: An adjective describing a person whose gender identity differs from the sex they were assigned at birth. A trans woman is a woman whose sex was assigned male when she was born. A trans man is a man whose sex was assigned female when he was born. Some transgender people are not male or female and may use terms like nonbinary to describe their gender (see below).

GENDER NONCONFORMING: A term sometimes used to describe people whose gender expression differs from social expectations, and people who are perceived as androgynous in some way. Being gender nonconforming is distinct from being transgender, though some trans people may consider themselves to be gender nonconforming. For example, a cisgender woman who has short hair and likes sports might consider herself gender nonconforming but may not identify as transgender.

NONBINARY: A term used to refer to people whose gender identity is not exclusively male or female, including those who identify with a different gender, a combination of genders, or no gender. Nonbinary may be considered a subset of transgender or a distinct identity. Other similar or more specific terms may include genderqueer, gender fluid, agender, or Two-Spirit. (for Native American students).

CISGENDER: An adjective describing a person whose gender identity corresponds with the gender society typically associates with the sex they were assigned at birth. For example, a cisgender woman was assigned female at birth and identifies as female her gender as a woman.

SEXUAL ORIENTATION: A person's romantic and/or sexual attraction to other people. This includes being straight, gay, bisexual, queer, asexual, or many other terms used to describe sexual orientation. **This is different and distinct from gender identity.** Transgender and nonbinary people may be straight, gay, lesbian, asexual, or any other sexual orientation.

TRANSITION: The process in which a person begins to live according to their gender identity. Transition is a process that is different for everyone, and it may or may not involve specific medical treatments or changes to official documents. There is no one step or set of steps that an individual must undergo in order to have their gender identity affirmed and respected.

Nondiscrimination Policy

Vertus Charter School abides by the New York State Dignity for All Students Act (“DASA”). This law seeks to “provide students with a safe and supportive environment from discrimination, intimidation, taunting, harassment, and bullying (including cyberbullying) on school property, a school bus, and/or at a school function.” Discrimination and harassment are prohibited by employees or students based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex.

Enrollment

Due to its status as a single sex/gender learning institution, eligibility for enrollment at Vertus will be based upon a prospective student’s preferred gender identity at the time of application, rather than the student’s assigned sex at birth. Should a student’s gender identity change during the student’s tenure at Vertus, an assessment conducted by school personnel along with input from the student and the student’s parent(s)/guardian(s) shall determine whether it would be in the best interest of the student to continue the student’s education at Vertus.

Privacy and Confidentiality

The [Family Education Rights Privacy Act \(FERPA\)](#) is a federal law which applies to all aspects of a student’s identity, including their gender identity and transgender status (20 U.S.C. § 1232g; 34 CFR Part 99). Under FERPA, only those school employees with a “legitimate educational interest,” the student, or their parent or guardian may have access to a student’s records.

Vertus recognizes that the process of determining one’s gender identity requires sensitivity and discretion and, to the greatest extent possible, students’ status as transgender or gender non-conforming will be kept confidential. Notwithstanding the foregoing, the student’s privacy interests must be balanced against the obligation of school administrators to provide a safe, effective, and nurturing learning environment and to keep staff members properly informed so they may respond effectively and appropriately to issues arising in the school.

School personnel shall not disclose a student’s gender identity status to third persons, including, but not limited to, other students, parents, and/or other school personnel, unless there is an appropriate business, educational, or health or safety reason for doing so. Except as set forth herein, all students shall be afforded the discretion to discuss and express their gender identity and gender expression and to decide when, with whom, and how much information to share with others.

Prior to disclosing any such information about any transgender or nonbinary student, educators and staff should work with the student to discuss the manner, time, and message of this disclosure. This should include providing the student with any support services they may need to make the disclosure in a safe and supportive environment.

It should be acknowledged that many transgender students face significant challenges when sharing their gender identity with their families. Some may have chosen not to share their identity with their families due to safety concerns or a lack of acceptance. For this reason, it is paramount that school staff seek to balance the goal of supporting the student, protecting their

privacy, and ensuring that parents/guardians are kept informed about their child. **“The most important consideration in such situations is the health and safety of the child.”**

Names and Pronouns

Students are entitled to be addressed by the name and pronoun that corresponds to the student’s gender identity that they assert at school. Students are not required to obtain parental consent or a court-ordered name and/or gender change before being addressed by their chosen name and pronoun.

When apprised of a student's transgender or Gender non-conforming status, Vertus 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. Students who identify as Transgender or GNC 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. Vertus staff will use the name and pronoun that corresponds to the gender identity the student consistently asserts at school.

Records

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

If a student who identifies as transgender or GNC has not officially changed their name, but wishes to be referred to by a different name that corresponds to their gender identity, Vertus will process the name change request in accordance with the provisions of the Family Educational Rights and Privacy Act (FERPA) pertaining to the amendment of education records, upon request of the student’s parent(s), or upon request of the student if the student is an “eligible student” (i.e., if the student is emancipated from their parents or is age 18 or older or is attending a postsecondary educational institution). However, absent a request from a student's parent(s) or eligible student to amend the student’s education records, Vertus may create or change unofficial records to reflect the name and gender identity that the student consistently asserts at school.

Official State Records

On state standardized tests, certain reports to the New York State Education Department, and when necessary to ensure appropriate and coordinated access to state or federal benefits plans or programs, Vertus will use the student's birth name and biological sex. Vertus will maintain records with the student's assigned birth name and gender in a separate, confidential file.

Medical or Health Records

To the extent necessary to provide appropriate medical care to students and to coordinate care for students with other health care professionals or licensed medical professionals, student medical records should include the student’s birth name and biological sex. Medical records should be

kept separately from other student records and should only be used and/or accessed when necessary.

School Facilities

As a male single gender school all student restrooms, locker rooms, or changing facilities, are designated for male use.

Any student who is uncomfortable using a shared gender-segregated facility, regardless of the reason, shall, upon the student's request, be provided with a safe and non-stigmatizing alternative. However, such alternatives shall only be provided to a student upon that student's request. Requiring a transgender or nonbinary student to use a separate space against their wishes threatens to stigmatize the student and disclose their transgender status to others. Under no circumstances may students be required to use gender-segregated facilities that are inconsistent with their gender identity.

Participation in Physical Education Classes & Interscholastic Sports

To the fullest extent permitted by law, all students are to be provided the same opportunities to participate in Vertus's physical education program. Notwithstanding the foregoing, physical education teachers shall have the discretion to group students to accommodate specific student needs and the lesson's learning goals.

Participation in interscholastic athletic activities and contact sports are to be addressed on a case-by-case basis, consistent with the rules established by Section One of the New York State Interscholastic Athletic Association.

Vertus'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. The coach of every interscholastic athletic team shall make reasonable accommodations, consistent with this policy, for students on visiting teams who require access to bathrooms and locker room facilities at Vertus schools.

Uniform Policy

Transgender and gender non-conforming students shall be permitted to wear clothing that corresponds to their gender identity or expression, provided that their clothing is consistent with the Uniform Policy that is applied to all students.

Vertus's uniform policy applies while its athletes are traveling to and from athletic contests. Athletes will have access to uniforms that are appropriate for their sport.