

Creating Trans Inclusive Schools With NY State Ed Dept Guidance



On July 20, 2015, the New York State Education Department released the following transgender guidelines for schools. Having determined that the Dignity for All Students Act encompasses discrimination based on a student's gender identity, including their status as a transgender person, any school receiving state financial assistance must comply with all DASA regulations. The guidance document assists in the implementation of DASA for transgender students.

A Summary of the Guidance

Students simply need to notify their school that they are transgender, genderfluid, genderqueer, etc. for it to be true and for appropriate action to follow.

No medical or psychological diagnosis, surgeries or treatments are necessary for a student to be treated consistently with their gender identity. NYSED notes that students may differ in how they present, including differences in their comfort level with being known as transgender, their transition status, their age. Schools should adopt a flexible approach in this area.

Transgender students *must* be provided equal access to educational activities and programs even in circumstances in which other students, parents, or community members raise objections, concerns or discomfort.

A school's failure to treat a student consistent with their gender identity is considered a hostile environment and the school can and will be held accountable.

A school may not discipline or exclude students from participating in activities for appearing or behaving in a manner consistent with their gender identity. This includes, but is not limited to yearbook photos, dances, and graduation ceremonies.

Access the complete document here:

http://www.p12.nysed.gov/dignityact/documents/Transg_GNCGuidanceFINAL.pdf

Access more DASA resources here:

<http://www.p12.nysed.gov/dignityact/>

What about facilities like bathrooms and locker rooms?

Students will be given equal access to facilities consistent with their gender identity. No school can require a transgender student to use a facility inconsistent with their identity or to use individual-user facilities when other students are not required to do so.

What does this mean for Physical Education and athletics?

A school may not adopt or adhere to requirements for athletic participation that rely on overly broad generalizations or stereotypes about the differences between trans and cisgender students or others' discomfort with trans students. Students will be allowed to participate in classes consistent with their gender identity and allowed opportunity to join sports teams in the same manner.

What does this mean for privacy concerns?

Nonconsensual disclosure of personally identifiable information, such as a birth name or sex assigned at birth, is considered harmful and an invasion of privacy. It could also be considered a violation of FERPA. Even when a student has disclosed their trans identity to some members of school, that does not give school personnel permission to disclose this to others who do not have a legitimate educational interest in the information.

What about legal records and documentation?

It is recommended that schools honor requests to amend or correct educational records swiftly, as records reflecting a student's gender identity and name (if legally changed) will help protect privacy and ensure consistent identification. NYSED also recommends keeping separate folders in the likely event that a student has not legally changed their name, to maintain privacy and ensure consistent recognition of the student's identity.

What can we do to help?

Provide staff, teachers, parents and students with educational trainings and resources on these issues. Reduce gender segregation whenever possible. Evaluate your policies and make sure they are up to date and reflect inclusion of both gender identity and gender expression. Include LGBTQ individuals and non-traditional families into school curriculum.

"In New York State [...] school districts have independent duties to protect transgender students from discrimination and harassment when they go to school." – Attorney General Schneiderman

www.gayalliance.org