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The Rights of Transgender and Gender Nonconforming Students at Innovation Charter High School

Policy Against Discrimination and Harassment

The Innovation Charter High School ("Innovation") is committed to providing a workplace and school environment that respects the gender identity choices for all of our staff and students, and is free from harassment and discrimination of any kind. This policy sets forth that commitment, and provides protocols to follow to protect the rights and privacy of transgender and gender nonconforming students.

Definitions

Gender identity: a person's inner sense of being male, female, or having another identity, regardless of sex assigned at birth.

Transgender: an umbrella term used to describe people whose gender identity differs from the sex they were assigned at birth.

Gender nonconforming: refers to people who do not follow other people's ideas or gender stereotypes about their appearance or behavior, regardless of the sex they were assigned at birth.

Privacy

Innovation staff may not disclose personally identifiable information regarding students, including the student's transgender or gender nonconforming status, except in accordance with [Innovation's FERPA Policy](#). Only Innovation staff with a legitimate educational or counseling need may have access to student records or the information contained in those records. Releases of information may be requested, in writing, and will be honored under appropriate circumstances and in accordance with the law.

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Names, Pronouns and Use of Facilities

A transgender or gender nonconforming student's designation of gender identity will be honored by Innovation. These students may choose to be identified by a name other than their legal name, and the appropriate pronouns should always be used when describing that person. For example, a transgender student with the legal name of "John" who chooses to be identified by the name "Mary", will be addressed as "Mary" or using the female pronoun. In addition, a transgender student like Mary is permitted to use the girls' bathroom and locker room, which is her stated preference. In other areas where gender segregation is enforced the student's preference shall be respected, provided that it is a consistent choice. For students who are gender fluid, Innovation will work with the student to facilitate restroom and locker room access that affirms their identity.

Protocols for Bathroom Use

These protocols shall be followed by all Innovation staff:

- *We will refer to the bathrooms as "student bathrooms" rather than as "the boys' bathroom" and "the girls' bathroom".*
- *When we send students to the bathroom, we will not identify the students as "boy" or "girl", but will instead identify them by name (e.g., you would say to the bathroom monitor, "Kevin wants to use the bathroom", but would not say, "One boy for the bathroom").*
- *The bathroom monitor will make the judgment regarding the assigned bathroom, according to the student's declared gender preference, and any other factors that ought to be taken into account (e.g., gender fluidity and safety)*

Sports & Physical Education Programs

Innovation sports and physical education programs, including physical education classes and school teams, are educational opportunities. Participation in these activities is integral to developing a student's fitness and health, self-esteem, and general well-being. Transgender and gender expansive students must be given the same opportunities to participate in physical education as all other students.

Generally, a student must be permitted to participate in physical education, intramural sports, and competitive athletic activities and contact sports in accordance with the student's gender identity asserted at school.

Official Records

Innovation is required to maintain a permanent record of each student, which includes the legal name of the student as well as the student's biological gender. In addition, schools are required to use a student's legal name on standardized tests and on reports to regulators. However, student

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IDs shall be issued in the name that reflects a student's gender identity.

Resources for Transgender, Gender Nonconforming & Transitioning Students

Innovation's counseling staff is trained to provide information, resources and support to all of our students, including transgender and gender nonconforming students. [Counseling Referral Form](#). They are also equipped to direct these students and their families to appropriate resources.

There is an excellent fact sheet entitled [Transgender & Gender Nonconforming Youth in Schools](#) from the Sylvia Rivera Law Project. The DOE's guidelines on the rights of transgender students includes useful resources and may be found [here](#). Please be advised that Innovation may provide more expansive rights than are afforded to students under the DOE policy.

Reporting

Any questions about this policy, or alleged violations of the policy, may be directed to Stephen Falla Riff, Innovation's Executive Director, or any member of Innovation's School Management Team or to the Counseling Team. Appropriate subsequent actions, following an investigation into an alleged violation of the policy, may include restorative practices or disciplinary consequences.

The rights of transgender and gender nonconforming students are also protected by law and by New York State's Dignity for All Students Act (the "Dignity Act"). Reports concerning Dignity Act violations may be made to Danielle Martin, Innovation's Dignity Act Coordinator, by using our [DASA 2023 - 2024 Reporting Form](#).