

OYSTER RIVER COOPERATIVE SCHOOL DISTRICT

Policy Committee Meeting

July 8, 2015      3:30 – 5:00

Central Office

Agenda

- I. Call to Order
- II. Policy Changes for Review from Requested Feedback
  - JBAB – Transgender and Gender Nonconforming Policy  
{Procedure – review.}
  - BCB – Board Member Conflict of Interest – Re-review
  - JLI – Safety Program (Joint Loss Management Committee)-Review
  - EB – Safety Committee – to be deleted
  - KJB – Posting of Community Notices – to be deleted
- III. Questions/Discussion

**Next Meeting:** TBD

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## TRANSGENDER AND GENDER NONCONFORMING STUDENT POLICY

### A. Purpose

The purpose of this policy is: 1) to foster a learning environment that is safe, and free from discrimination, harassment and bullying; and 2) to assist in the educational and social integration of transgender and gender nonconforming students in our schools. This policy is intended to be interpreted in light of applicable federal and state laws and regulations, as well as Board policies, procedures and school rules.

This policy is not intended to anticipate every possible situation that may occur, since the needs of particular students and families differ depending on the student's age and other factors. In addition, the programs, facilities and resources of each school also differ. Administrators and school staff are expected to consider the needs of students on a case-by-case basis, and to utilize this policy and other available resources as appropriate.

The term "transgender" is an umbrella term for an individual whose gender identity or expression is different from that traditionally associated with their assigned sex at birth. A student will be considered transgender if, at school, they consistently assert a gender identity or expression different from the gender assigned at birth. This includes students who identify as transgender, or who are gender nonconforming. This involves more than a casual declaration of gender identity or expression, but it does not necessarily require a medical diagnosis.

### B. Definitions

The following definitions are not intended to provide rigid labels for students, but to assist in discussing and addressing the needs of students. The terminology in this area is constantly evolving, and preferences for particular terminology vary widely. Administrators, school staff, volunteers, students and others who interact with students are expected to be sensitive to the ways in which particular transgender students may wish to be identified. However, for the sake of brevity, this policy refers to "transgender students."

1. *Sexual orientation* – Sexual orientation is defined in this policy as an individual's "actual or perceived heterosexuality, bisexuality, or homosexuality in relation to their own gender identity."
2. *Gender identity* – A person's deeply held sense or psychological knowledge of their own gender. One's gender identity can be the same or different than the gender assigned at birth.

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3. *Gender expression* – The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.
4. *Cisgender* – A person whose gender identity and expression are aligned with the gender they were assigned at birth.
5. *Transgender* – A person whose gender identity and/or expression are not aligned with the gender they were assigned at birth. “Transgender” is often used as an umbrella term encompassing a large number of identities related to gender nonconformity.
6. *Transition* – The process in which a person begins living as the gender with which they identify rather than the gender they were assigned at birth. For most elementary and secondary students, this involves minimal or no medical interventions. In most cases, transgender students under the age of 18 are in a process of social transition.
7. *Gender nonconforming* – A person who has a gender identity and/or gender expression that does not conform to the gender they were assigned at birth. People who identify as gender nonconforming may or may not also identify as transgender.
8. *Gender binary* – The classification of sex and gender into two distinct and opposite forms of masculine and feminine.
9. *Gender non-binary* – A blanket term for gender identities that are not exclusively masculine or feminine.

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## **Transgender and Gender Nonconforming Student Policy**

In accordance with policy JBAB, a student will be considered transgender if, at school, they consistently assert a gender identity or expression different from the gender assigned at birth. This involves more than a casual declaration of gender identity or expression, but it does not necessarily require a medical diagnosis.

This procedure will be used to address needs raised by transgender students and/or their parent(s)/guardian(s).

1. A transgender student and/or their parent(s)/guardian(s) should contact the student's counselor or building administrator. In the case of a student who has not yet enrolled in school, the appropriate building administrator should be contacted.
2. A meeting should be scheduled to discuss the student's particular circumstances and needs. In addition to the student, parent(s)/guardian(s) and building administrator, participants may include the school counselor, school nurse, teachers and/or other school staff, and possibly outside providers who can assist in developing a plan for that student.
3. A written plan will be developed by the school, in consultation with the student, parent(s)/guardian(s) and others as appropriate, to address the student's particular needs. If the student has an IEP or a 504 Plan, the provisions of these plans should be taken into consideration in developing the plan for addressing transgender issues.
4. The school may request documentation from medical providers or other service providers as necessary to assist staff in developing a plan appropriate for the student.
5. If the parties cannot reach an agreement about the elements to be included in the plan, the building administrator and/or Superintendent shall be consulted as appropriate.

### **Guidance on Specific Issues**

1. **Privacy:** The student's plan should address how to deal with disclosures that the student is transgender. In some cases, a student may want school staff and students to know, and in other cases the student may not want this information to be widely known. School staff should take care to follow the student's plan and not to inadvertently disclose information that is intended to be kept private or that is protected from disclosure (such as confidential medical information).

School staff should keep in mind that under FERPA, student records may only be accessed and disclosed to staff with a legitimate educational interest in the information. Disclosures to others should only be made with appropriate authorization from the administration and/or parents/guardians.

2. **Official Records:** Schools are required to maintain a permanent record for each student which includes legal name and gender. This information is also required for standardized tests and official school unit reports. This official information will only be changed upon receipt of documentation that a student's name or gender has been changed in accordance with any applicable laws. Any requests to change a student's legal name or gender in official records should be referred to the Superintendent.

To the extent that the school is not required to use a student's legal name or gender on school records or other documents, the school should use the name and gender identified in the student's plan.

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3. Names/Pronouns: A student who has been identified as transgender under this policy should be addressed by school staff and other students by the name and pronouns corresponding to their gender identity that is consistently asserted at school.
4. Restrooms: A student who has been identified as transgender under this policy should be permitted to use the restrooms assigned to the gender which the student consistently asserts at school. A transgender student who expresses a need for privacy will be provided with reasonable alternative facilities or accommodations such as using a separate **single-occupancy** or a staff facility. However, a student shall not be required to use a separate **single-occupancy** facility over **their** objection.
5. Locker Rooms: The use of locker rooms requires schools to consider a number of factors, including but not necessarily limited to the safety and comfort of students; the transgender student's preference; student privacy; the ages of students; and available facilities. As a general rule, transgender students will be permitted to use the locker room assigned to the gender which the student consistently asserts at school. A transgender student will not be required to use a locker room that conflicts with the gender identity consistently asserted at school. A transgender student who expresses a need for privacy will be provided with reasonable alternative facilities or accommodations, such as using a separate stall, a staff facility or separate schedule.
6. Other Gender-Segregated Facilities or Activities: As a general rule, in any other facilities or activities when students may be separated by gender, transgender students may participate in accordance with the gender identity consistently asserted at school. Interscholastic athletic activities should be addressed through the NHIAA participation policy, Article III, Section 5.
7. **Note on Facilities: If there are no facilities (restrooms, locker rooms, or other gender-segregated facilities) that align with the gender which the student consistently asserts at school (i.e. in the case of a student who is gender non-binary), recommendations of parent(s)/guardian(s) and medical or mental health professionals should be implemented into the plan developed for the student.**
8. Dress Code: Transgender students may dress in accordance with their consistently asserted gender identity, consistent with any applicable requirements in the dress code or school rules.
9. Safety and Support for Transgender and Transitioning Students: School staff are expected to comply with any plan developed for a transgender student and to notify the building administrator or other designated support person for the student if there are concerns about the plan, or about the student's safety or welfare.

School staff should be sensitive to the fact that transgender and transitioning students may be at higher risk for being bullied or harassed, and should immediately notify the appropriate administrator **upon becoming** aware of a problem.

#### **Staff Training and Informational Materials**

1. The Superintendent and/or building principal may institute in-service training and/or distribute educational materials about transgender issues to school staff as **deemed** appropriate.
2. Teachers and other staff who have responsibilities for a transgender student with a plan will receive support in implementing the plan.

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: BCB
Date of Adoption: September 1970 Dates of Revision: March 1997, March 2004 Code Revision: November 18, 2009 – previously-BBFA Review Policy Committee: September 12, 2012 <a href="#">Policy Committee Re-review: July 8, 2015</a>	Page 1 of 1 Category: Recommended

## BOARD MEMBER CONFLICT OF INTEREST

As elected officials, [the Oyster River Cooperative sSchool bB](#)oard members owe a duty of loyalty to the general public in protecting the school district's interests. Therefore, the Board declares that a conflict of interest is a personal, pecuniary interest that is immediate, definite, and demonstrable and which is or may be in conflict with the public interest.

A board member who has a personal or private interest in a matter proposed or pending before the Board will disclose such interest to the Board, will not deliberate on the matter, will not vote on the matter, and will not attempt to influence other members of the Board regarding the matter. Additionally, Board members should refrain from engaging in conduct or actions, that give the appearance of a conflict of interest, embarrass the Board, or personally embarrass another Board member.

It is not the intent of this policy to prevent the District from contracting with corporations or businesses with which a Board member is an employee. The policy is designed to prevent placing a Board member in a position where his interest in the public schools and his interest in his place of employment (or other indirect interest) might conflict, and to avoid appearances of conflict of interest even though such conflict may not exist. [It is the responsibility of the Board Member to declare a conflict of interest and to recuse him/herself accordingly.](#)

### **Nepotism**

The Board may employ a teacher or other employee if that teacher or other employee is the father, mother, brother, sister, wife, husband, [domestic partner, boyfriend, girlfriend](#), son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law of the Superintendent or any member of the Board. Such a relationship will not automatically disqualify a job applicant from employment with the school district.

However, the Board member shall declare his/her relationship with the job applicant and will refrain from debating, discussing, or voting on a nomination or other issue. The job applicant is expected to declare his/her relationship with the Board member as well.

[A School Board Member shall not have any direct personal and/or pecuniary interest in a contract with the school District, nor shall s/he furnish directly any labor, equipment, or supplies to the school District.](#)

This shall not apply to any person within such relationship or relationships who has been regularly employed by the Board prior to the inception of the relationship, the adoption of this policy, or a Board member's election.

### Legal References:

Marsh v. Hanover, 113 NH 667 (1973) and  
Atherton v. Concord, 109 NH 164 (1968)

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: JLI
DRAFT to Policy Committee: May 9, 2011 Date to School Board for First Read: May 25, 2011 School Board Second Read/Adoption: July 20, 2011 EB – Same language also required) <a href="#">Policy Committee Review: July 8, 2015</a>	Page 1 of 1 <a href="#">Category: Required</a>

**SAFETY PROGRAM JOINT LOSS MANAGEMENT COMMITTEE**

The Superintendent will cause the formation of the Joint Loss Management Committee as required by RSA 281-A:64, III, and a Crisis Management Plan that conforms to the national Incident Command System.

The practice of safety shall also be considered a facet of the instructional plan of the District schools by incorporating educational programs in traffic and pedestrian safety, driver education, fire prevention, emergency procedures, and others, appropriately geared to students at different grade levels.

Each Principal shall be responsible for the supervision and implementation of a safety program for his/her school. General areas of emphasis shall include, but not be limited to: in-service training; accident recordkeeping; plant inspection; driver and vehicle safety programs; fire prevention; catastrophe planning; and emergency procedures and traffic safety problems relevant to students and employees. The principal shall be responsible for developing student safety procedures to be used on school busses, school grounds (including playgrounds), during authorized school activities (such as field trips), within school building(s) (including classrooms and laboratories), off school grounds during school sanctioned activities (including, but not limited to, work-based learning and internships), and in the use of online resources. The safety plan will be on file in each district building and in the SAU office.

**Legal References:**

- RSA 200:40, Emergency Care
- RSA 281-A:64, III, Worker’s Compensation, Safety Provisions; Administrative Penalty
- NH Code of Administrative Rules, Section Ed 306.04(a)(2), School Safety
- NH Code of Administrative Rules, Section Ed 306.04(d), School Safety Procedures

**Cross Reference:**

- EB – Safety Program

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: EB
(JLI - Same language also required) Date to School Board for First Read: May 25, 2011 School Board Second Read/Adoption: June 15, 2011 School Board First Read: August 14, 2013 School Board Second Read/Adoption: November 6, 2013 <a href="#">Policy Committee - Deletion -same as JLI: July 8, 2015</a>	Page 1 of 1

## SAFETY PROGRAM

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Each Principal shall be responsible for the supervision and implementation of a safety program for his/her school. General areas of emphasis shall include, but not be limited to: in-service training; accident recordkeeping; plant inspection; driver and vehicle safety programs; fire prevention; catastrophe planning; and emergency procedures and traffic safety problems relevant to students and employees. The principal shall be responsible for developing student safety procedures to be used on school buses, school grounds (including playgrounds), during authorized school activities (such as field trips), within school building(s) (including classrooms and laboratories), off school grounds during school sanctioned activities (including, but not limited to, work-based learning and internships), and in the use of online resources. The safety plan will be on file in each district building and in the SAU office. Safety plan is reviewed with staff annually and as needed.

### Legal References:

RSA 200:40, Emergency Care  
 RSA 281-A:64, III, Worker's Compensation, Safety Provisions; Administrative Penalty  
 NH Code of Administrative Rules, Section Ed 306.04(a)(2), School Safety  
 NH Code of Administrative Rules, Section Ed 306.04(d), School Safety Procedures

### Cross Reference:

JLI - Safety Program



OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: KJB
Date of Adoption: July 13, 1988 <a href="#">Policy Committee – Delete – Information contained in KHB</a>	Page 1 of 1

*POSTING OF COMMUNITY NOTICES*

1. Nonschool notices may be posted on school bulletin boards if the following requirements are met:
  - Approval by the principal.
  - Clearly state on notice that the function or activity is *not* a school-sponsored activity.
  - The function or activity is directly of benefit to local youth.
  - The notice does in no way include information or advertising of promotional nature which would benefit private enterprise.
  
2. All notices regarding school-sponsored activities may be posted under the jurisdiction of the principal.

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: KHB
Reviewed by Policy Committee: 1/29/14 Recode from KJ School Board First read: 4/2/ 2014 Back to Policy: 5/14/14 School Board Second Read/Adoption: June 4, 2014	Page 1 of 1

### ADVERTISING IN THE SCHOOLS

Neither the facilities, the name, the staff, nor the children of the Oyster River Cooperative School District schools, school system, not any part thereof shall be employed in any manner for advertising or otherwise promoting the interests of any commercial or other non-school agency or organization except that;

- The school may cooperate in furthering the work of any nonprofit, community-wide social service agency, provided that such cooperation does not restrict or impair the educational program of the schools.
- The school may use films or other educational materials bearing only simple mention of the producing or sponsoring firm.
- The school may participate in radio or television programs under acceptable commercial sponsorship when such participation is supplementary or beneficial to the program of the schools.
- The Superintendent may, at his/her discretion, announce or authorize to be announced any lecture or other community activity of particular educational merit.
- The school may, upon approval of the Superintendent, cooperate with any governmental agency in promoting activities in the general public interest which are nonpartisan and non-controversial and which promote the education or other best interests of the pupils.
- Will be implemented congruent with the district wellness and sustainability policy.
- The school may, upon approval of the Superintendent, accept financial or equipment resources in return for recognition of the donor at the athletic venue during that athletic season.
- The school may, upon approval of the superintendent or designee, accept financial or equipment resources in return for short-term or permanent recognition of the donor(s). Short-term recognition will be accepted by the principal or athletic director with superintendent approval, for a limited period of time during a District event. Any permanent recognition of a donor(s) will require School Board approval.
- No fundraising activities will be done without prior superintendent approval.
- School publications may accept and publish paid advertising under established procedures.
- Promotional literature will not be distributed through the schools except for recognized educational and youth-oriented organizations.

#### Cross Reference:

KCD – Gifts to the Schools  
AC – Non-Discrimination & Equal Opportunity  
JJE – Student Fund Raising Activities  
JLCF – Student Wellness