

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC  
SAFETY  
DIVISION ON CIVIL RIGHTS  
DOCKET NO.: P2023-900002

MATTHEW J. PLATKIN, Attorney General :  
of New Jersey, and SUNDEEP IYER, :  
Director of the New Jersey Division on Civil :  
Rights, :

## Complainants,

V.

HANOVER TOWNSHIP BOARD OF :  
EDUCATION, and HANOVER TOWNSHIP :  
PUBLIC SCHOOLS, :

Respondents.

## ADMINISTRATIVE ACTION

## VERIFIED COMPLAINT

Received and Recorded By:

Date:

**Charge**

Complainants Matthew J. Platkin, Attorney General of New Jersey, and Sundeeep Iyer, Director of the New Jersey Division on Civil Rights (together “Complainants”), charge Respondents Hanover Township Board of Education and Hanover Township Public Schools with unlawful discrimination in violation of N.J.S.A. 10:5-12(e) and (f) of the New Jersey Law Against Discrimination (“LAD”), N.J.S.A. 10:5-1 to -50.

## The Parties

1. Complainant Matthew J. Platkin is the Attorney General of New Jersey. The Attorney General, having offices at 25 Market Street, Trenton, New Jersey, 08611 and 124 Halsey Street, Newark, New Jersey, 07102, is charged with enforcing the LAD. The Attorney General is

authorized to proceed against any person to compel compliance with any provisions of the LAD or to prevent violations or attempts to violate any such provisions. N.J.S.A. 10:5-8.2 & -13.

2. Complainant Sundeep Iyer is the Director of the New Jersey Division on Civil Rights (“DCR”), the agency charged with enforcing the LAD on behalf of the Attorney General, and maintains offices at 31 Clinton Street, Newark, New Jersey; 140 East Front Street, Trenton, New Jersey, 08625; 5 Executive Campus, Cherry Hill, New Jersey, 08002; and 1601 Atlantic Avenue, Atlantic City, New Jersey, 08401. Complainant Iyer brings this action in his official capacity pursuant to the authority of the Director of the Division on Civil Rights, under N.J.S.A. 10:5-8.2 and 13 and N.J.A.C. 13:4-2.2(d).

3. Respondent Hanover Township Public Schools (“District”) is a public school district that serves students in kindergarten through grade 8 who reside in Hanover Township, New Jersey, including Hanover Township’s Whippany and Cedar Knolls neighborhoods. The District maintains its principal office at 61 Highland Avenue, Whippany, NJ 07981.

4. Respondent Hanover Township Board of Education (“Board” or “BOE”) is a nine-member board authorized to set policy and oversee the fiscal and educational operation of the District. The BOE’s principal office is located at 61 Highland Avenue, Whippany, NJ 07981.

### **INTRODUCTION**

5. This case seeks to remedy unlawful discrimination by the Hanover Township Public Schools and Hanover Township Board of Education (collectively, the “Hanover Respondents”). The Hanover Respondents have unlawfully discriminated against students on the basis of gender identity, gender expression, and sexual orientation in violation of the New Jersey Law Against Discrimination (“LAD”), N.J.S.A. 10:5-1 to -50.

6. On May 16, 2023, the Board passed Policy 8463 (the “Policy”), which singles out students on the basis of multiple LAD-protected characteristics.<sup>1</sup> Both the text of Policy 8463 and Board discussions make clear that the policy targets students on the basis of gender identity, gender expression, and affectional or sexual orientation in clear violation of New Jersey law and policy.

7. Policy 8463 will irreparably harm transgender and other LGBTQ+<sup>2</sup> students by requiring parental disclosure of their sexual orientation and/or their gender identity or expression without their consent. “Outing” LGBTQ+ students against their will poses serious mental health risks; threatens physical harm to students, including risking increased suicides; and shirks the District’s obligation to create a safe and supportive learning environment for all. Indeed, LGBTQ+ students in New Jersey and elsewhere have died by suicide after being outed.

8. Complainants seek relief to remedy and prevent Hanover Respondents’ violations of the LAD, including, among other things, a permanent injunction prohibiting Respondents from implementing Policy 8463, entitled “Parental Notice of Material Circumstances,” and from otherwise giving effect to the aspects of Policy 8463 that violate the LAD.

### **FACTUAL ALLEGATIONS**

#### **Respondents Issue Policy 5756 Concerning Transgender Students in Accordance with State Guidance and the LAD**

9. The LAD provides that it is the policy of the State of New Jersey to prevent and remedy unlawful discrimination in all its forms, see N.J.S.A. 10:5-3, including unlawful

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<sup>1</sup> The Attorney General and Director take no position on the Policy’s requirement of parental notification that may not implicate the LAD—for instance, any requirement that parents be notified of issues concerning substance use, alcohol use, firearms use or other unlawful activity.

<sup>2</sup> The term “LGBTQ+” is intended to include individuals who are gay, lesbian, bisexual, polysexual, pansexual, transgender, gender non-conforming, non-binary, genderqueer, questioning, queer, or otherwise not straight and/or not cisgender.

discrimination against LGBTQ+ students in schools and other places of public accommodation, see N.J.S.A. 10:5-5(l), -12(f).

10. The District and the Board operate a “place of public accommodation” under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-5(l) (“‘A place of public accommodation’ shall include, but not be limited to: . . . any kindergarten, primary and secondary school, trade or business school, high school, academy, college and university, or any educational institution under the supervision of the State Board of Education or the Commissioner of Education of the State of New Jersey.”).

11. The LAD provides, in relevant part, that it is an unlawful discrimination for

any owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation directly or indirectly to refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, or to discriminate against any person in the furnishing thereof . . . on account of the . . . gender identity or expression, affectional or sexual orientation . . . of such person . . .  
[N.J.S.A. 10:5-12(f) (emphasis added).]

12. The Legislature instructed the Commissioner of the New Jersey Department of Education to develop and distribute to school districts guidelines concerning transgender students to “assist schools in establishing policies and procedures that ensure a supportive learning environment that is free from discrimination for transgender students, including students going through a gender transition,” with a particular focus on “confidentiality and privacy concerns, including ensuring that school personnel do not disclose information that may reveal a student's transgender status except as allowed by law, and advising schools to work with the student to create an appropriate confidentiality plan regarding the student's transgender or transitioning status.” N.J.S.A. 18A:36-41.

13. In 2018, in accordance with this legislative directive, the State Department of Education published Transgender Student Guidance for School Districts (“State Guidance”), which recognizes that schools may not “subject individuals to differential treatment based on race, creed, color, national origin, ancestry, marital status, domestic partnership or civil union status, sex, affectional or sexual orientation, gender identity or expression, disability or nationality,” which is prohibited by the LAD. See Ex. A.

14. The Guidance was prepared “in consultation with educators, counselors, school psychologists, advocates, and parents.” Ibid.

15. The State Guidance adopts a student-centered and individualized approach, instructing that schools and school districts “communicate openly, albeit confidentially, with students regarding their transgender status or gender identity” and encouraging school staff to “discuss with the student, and any other individuals at the student’s request, the risks associated with the student’s transgender status being inadvertently disclosed.” Ibid.

16. The State Guidance specifically instructs that “there is no affirmative duty for any school district personnel to notify a student’s parent or guardian of the student’s gender identity or expression” and expressly provides that “[s]chool district personnel should have an open, but confidential discussion with the student to ascertain the student’s preference on matters such as chosen name, chosen pronoun to use, and parental communications.” Ibid. (emphasis added).

17. Section 4 of the State Guidance, entitled “Confidentiality and Privacy,” provides that “[a] school district shall keep confidential a current, new, or prospective student’s transgender status,” and instructs that “[s]chool personnel may not disclose information that may reveal a student’s transgender status except as allowed by law,” or “[d]ue to a specific and compelling need, such as the health and safety of a student or an incident of bias-related crime.” Ibid.

18. In 2019, Hanover Township Board of Education unanimously adopted Policy 5756, entitled “Transgender Students,” “to help school and district administrators take steps to create an inclusive environment in which transgender and gender nonconforming students feel safe and supported, and to ensure each school provides equal educational opportunities for all students, in compliance with N.J.S.A. 6A:7-1.1, et seq.” Ex. B.

19. School Board Policy 5756 adopted a student-centered and individualized approach that focused on preventing unlawful discrimination and protecting student privacy, adopting much of the language of the State Guidance, including its “Confidentiality and Privacy” protections. Ibid.

#### **Hanover’s Policy 8463 – “Parental Notice of Material Circumstances”**

20. On March 6, 2023, Hanover Township Board of Education Vice President Marc Amoresano reported that the Board’s policy committee had discussed Policy 5756 and the “importance” of parental notification about transgender status.

21. On April 25, 2023, an attorney for the Board confirmed that a proposed version of the Policy requires notification to all parents by School District staff any time the school learns that a student is “gay.”

22. On May 16, 2023, the Hanover Township Board of Education adopted Policy 8463, titled “Parental Notice of Material Circumstances.”

23. When the Policy was adopted, Board Member Gregory Skiff announced that a primary purpose of the Policy was to remove subjective discretion from the Board’s policies, or, in other words, require staff members to make notifications without exercising personal judgment as to whether notification is appropriate or necessary in the particular circumstance.

24. Policy 8463 requires “[a]ll school staff members (certificated and non-certificated personnel) and administrators” to:

[t]ake all necessary steps . . . to immediately, fully and accurately inform a student’s parent(s) whenever such staff member is made aware of, directly or indirectly, any facts or circumstances that may have a material impact on the student’s physical and/or mental health, safety and/or social/emotional well-being, including, without limitation, the following: substance use; tobacco/vaping use; alcohol use; firearms; peer/academic/athletic pressures; school performance; eating disorders; suicide; self-harm; anxiety; depression; fatigue; isolationism / anti-social behaviors / social withdraw; truancy; theft; vandalism; unlawful activity; violent or aggressive behavior; preoccupation with anti-social music; pornography; sexual activity; sexuality; sexual orientation; transitioning; gender identity or expression; gang affiliation; obsessive behaviors; familial/cultural challenges; harassment; intimidation; or bullying.

Where a staff member reasonably believes that such notification to a student’s parent(s) will place the student at risk of abuse or neglect as defined by N.J.S.A. § 9:6-1, the staff member and appropriate administrators shall immediately notify the Department of Children and Families, Institutional Abuse (DCF), Division of Child Protection and Permanency (DCPP), and/or the Hanover Township Police Department (HTPD) in accordance with the annual Memorandum of Agreement and/or as directed by the Superintendent, his/her designee and/or the Board’s legal counsel.  
[Ex. C. (emphasis added).]

25. “Affectual or sexual orientation” and “gender identity or expression” are protected characteristics under the New Jersey Law Against Discrimination, 10:5-1 to -50.

26. “Transitioning,” as it relates to gender identity or expression, is commonly understood to mean a process during which a person begins to live according to their gender identity, rather than the gender they were assigned at birth. Depending on an individual’s needs and access to resources, gender transition may or may not include changing one’s gender expression, including by changing one’s clothing, appearance, and name.

27. “Sexual activity” and “sexuality” can include information related to a person’s sexual orientation.

**Policy 8463 Treats Students Differently Based on Protected Characteristics**

28. Policy 8463 sets forth a list of “facts and circumstances” to guide staff on when they are mandated to make a parental report, expressly including “substance use; tobacco/vaping use; alcohol use; firearms; peer/academic/athletic pressures; school performance; eating disorders; suicide; self-harm; anxiety; depression; fatigue; isolationism / anti-social behaviors / social withdraw; truancy; theft; vandalism; unlawful activity; violent or aggressive behavior; preoccupation with anti-social music; pornography; sexual activity; sexuality; sexual orientation; transitioning; gender identity or expression; gang affiliation; obsessive behaviors; familial/cultural challenges; harassment; intimidation; or bullying.”

29. While most of the items listed target behaviors or conduct that may express a concern regarding the student’s health or well-being, the Policy also requires mandatory reports for students based on their “sexual orientation” and “gender identity or expression” – protected classes under the LAD – simply because of the student’s protected characteristic.

30. Respondents are treating students differently based on sexual orientation and gender identity or expression by requiring mandatory reporting of “any facts and circumstances” that reveal these students’ protected characteristics, regardless of their behavior or conduct. Students who are not LGBTQ+, by contrast, are only subject to reporting if they engage in the other listed behaviors or conduct that raise a concern regarding the student’s health or well-being.

31. Policy 8463 treats “transitioning” students differently on its face than students who are not transitioning by explicitly identifying “transitioning” as a “fact[] or circumstance[] that may have a material impact on a student’s physical and/or mental health, safety and/or



social/emotional well-being” and requiring “[a]ll school staff members . . . and administrators [to] take all necessary steps . . . to immediately, fully and accurately inform a student’s parent(s) whenever such staff member is made aware of, directly or indirectly” the fact that a student is transitioning.

32. Policy 8463 targets transgender, gender non-conforming, non-binary, genderqueer, and other gender-expansive students for differential treatment because it is those students who experience “transitioning,” whereas cisgender students do not.

33. The concept of “parental notification” embodied in Policy 8463 anticipates school staff and administrators having information about students about which their parents would be unaware, absent notification.

34. Policy 8463 targets transgender, gender non-conforming, non-binary, genderqueer, and other gender-expansive students by requiring parental notification regarding their gender identity or expression.

35. Policy 8463 treats transgender, gender non-conforming, non-binary, genderqueer, and other gender-expansive students differently on its face from students who are cisgender by identifying “gender identity or expression” as a “fact[] or circumstance[] that may have a material impact on a student’s physical and/or mental health, safety and/or social/emotional well-being” and requiring “[a]ll school staff members . . . and administrators [to] take all necessary steps . . . to immediately, fully and accurately inform a student’s parent(s) whenever such staff member is made aware of, directly or indirectly” a student’s gender identity or expression.

36. Transgender, gender non-conforming, non-binary, genderqueer, and other gender-expansive students’ expression of their gender identity may differ between home and school, while

cisgender students are much more likely to consistently express their gender identity at home and at school.

37. Because cisgender students are much more likely to express their gender identity consistently at home and school, Policy 8463 does not require school staff and administration to notify parents of cisgender students of information about their child's gender identity or expression about which a parent may have been previously unaware. Transgender, gender non-conforming, non-binary, genderqueer, and other gender-expansive students are ordinarily the students about whom school staff and administrators may have information regarding gender identity or expression that their parents might not be aware of, absent notification.

38. Policy 8463 targets gay, lesbian, bisexual, polysexual, pansexual, and queer students by requiring parental notification regarding sexual orientation.

39. Policy 8463 treats gay, lesbian, bisexual, polysexual, pansexual, and queer students differently from students who are straight by identifying "sexual orientation" as a "fact[] or circumstance[]" that may have a material impact on a student's physical and/or mental health, safety and/or social/emotional well-being" and requiring "[a]ll school staff members . . . and administrators [to] take all necessary steps . . . to immediately, fully and accurately inform a student's parent(s) whenever such staff member is made aware of, directly or indirectly" a student's sexual orientation.

40. Gay, lesbian, bisexual, polysexual, pansexual, and queer students' expression of their sexual orientation may differ between home and school, while straight students are much more likely to consistently express their sexual orientation at home and at school.

41. Because straight students are much more likely to express their sexual orientation consistently at home and school, Policy 8463 does not require school staff and administration to

notify parents of straight students of information about their child's sexual orientation about which a parent may have been previously unaware. Gay, lesbian, bisexual, polysexual, pansexual, and queer students are the students about whom school staff and administrators may have information regarding sexual orientation that their parents might not be aware of, absent notification.

**Policy 8463 Has A Disparate Impact on Students Who Are Members of Protected Classes**

42. To the extent Policy 8463 is deemed to be a facially neutral policy on parental notification, the Policy nonetheless violates the LAD because it has an actually or predictably disproportionately negative effect on students based on sexual orientation or gender identity or expression.

43. Because transgender, gender non-conforming, non-binary, genderqueer, and other gender-expansive students may express their gender identity differently between home and school, Policy 8463 requires school staff and administration to notify parents of transgender, gender non-conforming, non-binary, genderqueer, and other gender-expansive students of information about their child's gender identity or expression about which a parent may have been previously unaware.

44. Because cisgender students are much more likely to express their gender identity consistently at home and school, Policy 8463 does not require school staff and administration to notify parents of cisgender students of information about their child's gender identity or expression about which a parent may have been previously unaware.

45. Because gay, lesbian, bisexual, polysexual, pansexual, or queer students' expression of their sexual orientation may differ between home and school, Policy 8463 requires school staff and administration to notify parents of gay, lesbian, bisexual, polysexual, pansexual,

or queer students of information about their child's sexual orientation about which a parent may have been previously unaware.

46. Because straight students are much more likely to express their sexual orientation consistently at home and school, Policy 8463 does not require school staff and administration to notify parents of straight students of information about their child's sexual orientation about which a parent may have been previously unaware.

47. LGBTQ+ students face a far greater risk of harm from the involuntary disclosure of their sexual orientation or gender identity because LGBTQ+ students are far more likely than cisgender or straight students to express a different sexual orientation or gender identity at home than at school, often precisely because they face the risk of harm at home.

48. LGBTQ+ students also face a greater risk of harm to their mental health from the involuntary disclosure of their sexual orientation or gender identity or expression to their parents.

49. Under Policy 8463, LGBTQ+ students also face a greater risk of involvement with the Department of Children and Families or the Division of Child Protection and Permanency, as the Policy requires staff to notify those state agencies if they "reasonably believe[] that such a notification to a student's parent(s) will place the student at risk of abuse or neglect."

50. Respondents do not have a substantial, legitimate, nondiscriminatory interest in requiring mandatory reporting of all activities concerning a student's sexual orientation or gender identity or expression.

51. The Policy purports to be necessary to keep parents reasonably informed of "all material matters" affecting their children, and lists various forms of behavior and conduct that may affect a student's health or well-being.

52. By contrast, the Policy requires mandatory reporting of “all facts and circumstances” that indicate those students’ protected characteristics, regardless of whether the behavior or conduct of these students may indicate an issue with their health or well-being.

53. Public schools have a substantial interest in creating a safe learning environment for all students and teachers.

54. Policy 8463 undermines the District’s substantial interest in creating a safe learning environment for all students.

55. A wealth of scientific literature demonstrates that LGBTQ+ students who are subjected to discriminatory policies and practices experience significant and irreparable harms, including higher rates of psychological distress, worse educational outcomes, and higher rates of suicide.

56. LGBTQ+ students report not disclosing bias-based bullying because they are worried about being “outed” (i.e., having their sexual orientation or gender identity or expression disclosed) to school staff or family members.

57. Policy 8463 requires school staff and administration to “out” LGBTQ+ students to their parents.

58. Policy 8463 increases the likelihood that District students who have not disclosed their sexual orientation or gender identity or expression to their parents will not report bias-based harassment or assault to District staff or administration.

59. By discouraging students who have not disclosed their sexual orientation or gender identity or expression to their parents from reporting bias-based harassment or assault to District staff or administration, Policy 8463 undermines the District’s substantial interest in creating a safe learning environment for LGBTQ+ students.

60. Even if Respondents had a substantial, legitimate, and nondiscriminatory interest in mandating reporting based on sexual orientation and gender identity or expression in the Policy, there are alternative methods to address any such interest that would have a less discriminatory impact.

### **DISCRIMINATION STATEMENT**

61. Plaintiffs repeat the allegations set forth in the preceding paragraphs of this Complaint as though set forth fully herein.

62. N.J.S.A. 10:5-12(f) makes it unlawful for any place of public accommodation to “discriminate against any person in the furnishing thereof” on the basis of actual or perceived gender identity or expression or affectional or sexual orientation.

63. By enacting the Policy, Respondents have engaged in unlawful public accommodations discrimination based on sexual orientation.

64. By enacting the Policy, Respondents have engaged in unlawful public accommodations discrimination based on gender identity or expression.

65. N.J.S.A. 10:5-12(e) makes it unlawful for any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this act, or to attempt to do so.

66. Respondents have incited, compelled, or coerced school staff members, by policy or practice, to notify parents of student’s gender transition, gender identity, gender expression, affectional or sexual orientation, or transitioning status, in violation of the LAD.

### **DEMAND FOR RELIEF**

64. Said acts of discrimination occurred in Morris County, New Jersey.

65. Complainants request the full extent of relief provided by law, including but not limited to injunctive relief; compensatory damages for economic loss, humiliation, mental pain and suffering for any victims of the alleged discrimination; statutory penalties; and investigative and litigation costs. See N.J.S.A. 10:5-13 & 14.la.

63. Complainants have not instituted any other action in any court, either criminal or civil, regarding this matter. However, Complainants intend to file a complaint and order to show cause in Superior Court seeking preliminary relief pending the resolution of this administrative proceeding, pursuant to N.J.S.A. 10:5-14.1.

Iris Bromberg, of full age, hereby certifies that she is a Legal Specialist in the Division on Civil Rights and is authorized to file this verified complaint on behalf of the Attorney General of New Jersey and the Director of the Division on Civil Rights, pursuant to N.J.S.A. 10:58. She has read this complaint and understands the allegations, and to the best of her knowledge, information and belief, the allegations made in this complaint are true.

DATED: May 17, 2023



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Iris Bromberg  
Legal Specialist  
NJ Division on Civil Rights

# **EXHIBIT A**





## Transgender Student Guidance for School Districts

The New Jersey Law Against Discrimination ("NJLAD"), *N.J.S.A. 10:5-12(11)(f)*, generally makes it unlawful for schools to subject individuals to differential treatment based on race, creed, color, national origin, ancestry, marital status, domestic partnership or civil union status, sex, affectional or sexual orientation, gender identity or expression, disability or nationality.

Title IX of the Education Amendments of 1972 ("Title IX") specifically prohibits discrimination on the basis of sex in federally-funded education programs and activities [20 U.S.C. § 1681(a)].

*N.J.S.A. 18A:36-41* directs the Commissioner of the New Jersey Department of Education to establish guidelines to provide direction for schools in addressing common issues concerning the needs of transgender students, and to assist schools in establishing policies and procedures that ensure a supportive and nondiscriminatory environment for transgender students.

This guidance was prepared by the New Jersey Department of Education after a review of policies and guidance from other states and organizations, and in consultation with educators, counselors, school psychologists, advocates, and parents. The intended purpose of this guidance is to help school and district administrators take steps 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.*

Communication with the student is paramount. Schools and school districts are encouraged to communicate openly, albeit confidentially, with students regarding their transgender status or gender identity. Proper communication with the student will ensure that appropriate steps are taken to determine a student's preferences and address potential privacy concerns and associated risks to the student's well-being.

### 1. Definitions

A safe and supportive environment within a school begins with understanding and respect. Students, teachers, and administrators should be provided with common terminology associated with gender identity. Although these terms are commonly used by advocacy and human rights groups, students may prefer other terms to describe their gender identity, appearance, or behavior.

- **Gender Identity** means a person's internal, deeply held sense of gender. All people have a gender identity, not just transgender people. For transgender people, the individual's internal gender identity is not the same as the gender assigned at birth.
- **Gender Expression** means external manifestations of gender, expressed through a person's name, pronouns, clothing, haircut, behavior, voice, and/or body characteristics. Society

identifies these cues as masculine and feminine, although what is considered masculine or feminine changes over time and varies by culture.

- **Assigned Sex at Birth (ASAB)** refers to the biological sex designation recorded on a person's birth certificate upon the initial issuance of that certificate, should such a record be provided at birth.
- **Gender Assigned at Birth** refers to the gender a child is assigned at birth or assumed to be, based on their biological sex assigned at birth.
- **Sexual Orientation** describes a person's enduring physical, romantic, and/or emotional attraction to another person. Gender identity and sexual orientation are not the same. A transgender person may be straight, lesbian, gay, bisexual, or asexual. For example, a person who transitions from male to female and is attracted solely to men may identify as a straight woman.
- **Transgender** is a term for an individual whose gender identity and/or gender expression differs from those typically associated with the sex and gender assigned at birth.
- **Transition** is the process by which a transgender person recognizes that their authentic gender identity is not the same as the gender assigned at birth, and develops a more affirming gender expression that feels authentic. Some individuals socially transition, for example, through dress, use of names and/or pronouns. Some individuals may undergo a physical transition, which might include hormone treatments and surgery. School district personnel should avoid the phrase "sex change," as it is an inaccurate description of the transition process; the process is more accurately described as "gender-confirming."
- **LGBTQ** is an acronym for "lesbian, gay, bisexual, transgender, and queer/questioning."
- **Gender nonconforming** describes a person whose gender expression does not conform to the gender expectations of their family or community. Gender nonconformity is not necessarily an indication that a youth is transgender; many non-transgender youth do not conform to stereotypical expectations.
- **Gender Expansive/Gender Diverse/Gender Fluid/Gender Non-Binary/Agender/Gender Queer** are terms that convey a wider, more flexible range of gender identity and/or expression than typically associated with the binary gender system. For example, students who identify as gender queer or gender fluid might not identify as boys or girls; for these students, the non-binary gender identity functions as the student's gender identity.
- **Cisgender** refers to individuals whose gender identity, expression, or behavior conforms with those typically associated with their sex assigned at birth.

GLAAD, The Human Rights Campaign, and PFLAG also provide comprehensive reference guides on terminology. (*See Section 8, Resources*)

It is recommended that school personnel discuss with the student the terminology and pronouns each student has chosen.

## 2. Student-Centered Approach

A school district shall accept a student's asserted gender identity; parental consent is not required. Further, a student need not meet any threshold diagnosis or treatment requirements to have his or her gender identity recognized and respected by the district, school or school personnel. Nor is a

legal or court-ordered name change required. There is no affirmative duty for any school district personnel to notify a student's parent or guardian of the student's gender identity or expression.

There may be instances where a parent or guardian of a minor student disagrees with the student regarding the name and pronoun to be used at school and in the student's education records. A parent or guardian may object to the minor student's name change request. School districts should consult their board attorney regarding the minor student's civil rights and protections under the NJLAD. Staff should continue to refer to the student in accordance with the student's chosen name and pronoun at school and may consider providing resource information regarding family counseling and support services outside of the school district.

School districts should be mindful of disputes between minor students and parent/guardians concerning the student's gender identity or expression. Many support resources are available through advocacy groups and resources from the [New Jersey Department of Children and Families](#) and New Jersey Department of Education's "[Child Abuse, Neglect, and Missing Children](#)" webpage.

One of the most important factors in ensuring a safe and supportive environment for transgender students is communication between the school/district and student. School district personnel should have an open, but confidential discussion with the student to ascertain the student's preference on matters such as chosen name, chosen pronoun to use, and parental communications.

- School districts shall ensure that a transgender student is addressed at school by the name and pronoun chosen by the student, regardless of whether a legal name change or change in official school records has occurred.
- School districts shall issue school documentation for a transgender student, such as student identification cards, in the name chosen by the student.
- A transgender student shall be allowed to dress in accordance with the student's gender identity.

School districts should discuss with the student, and any other individuals at the student's request, the risks associated with the student's transgender status being inadvertently disclosed. For example, school districts should inform the student that the transgender status may be revealed due to other students' discussions at home. The school district should work with the transgender student to ensure awareness of activities and events that may inadvertently disclose the transgender student's status.

### **3. Safe and Supportive Environment**

Each school district shall develop policies and procedures to ensure that its schools provide a safe and supportive learning environment that is free from discrimination and harassment for transgender students, including students going through a gender transition. Gender-based policies, rules, and practices can have the effect of marginalizing, stigmatizing, and excluding students, whether they are gender nonconforming or not. All school districts shall review and update their

existing policies and procedures, including those regarding classroom activities, school ceremonies, school photographs, and dress codes, to verify that transgender students are not excluded. In addition, school districts shall take the following steps to establish and maintain a nondiscriminatory environment for all students, including transgender and transitioning students:

- School districts must comply with *N.J.S.A. 18A:37-15* and *N.J.A.C. 6A:16-7.7*, which prohibit harassment, intimidation and bullying, and require that each district board of education develop, adopt, and implement a policy prohibiting harassment, intimidation, or bullying on school property, at a school-sponsored function or on a school bus. If harassment based on gender identity creates a hostile environment, the school must take prompt and effective steps to end the harassment, prevent its recurrence, and, as appropriate, remedy its effects.
- School districts should provide staff training on sensitivity and respect towards transgender students.
- Social and Emotional Learning (SEL) concepts should be incorporated into school culture and curricula.
  - Resources on SEL can be found on the Department of Education's [Social and Emotion Learning webpage](https://www.state.nj.us/education/students/safety/sandp/sel/) (<https://www.state.nj.us/education/students/safety/sandp/sel/>)
- School districts may seek a variety of professionals, including counselors and school psychologists, to provide emotional supports for all students who demonstrate a need. School districts shall ensure that school counselors are knowledgeable regarding issues and concerns relevant to transgender students, students facing other gender identity issues, or students who may be transitioning.
- Dress codes should not be enforced more strictly for transgender and gender nonconforming students than for other students.
- School districts shall honor and recognize a student's asserted gender identity, and shall not require any documentation or evidence in any form, including diagnosis, treatment, or legal name change.
- A school's obligation to ensure nondiscrimination on the basis of gender identity requires schools to provide transgender students equal access to educational programs and activities, even in circumstances in which other students, parents, or community members raise objections or concerns.

#### **4. Confidentiality and Privacy**

School personnel may not disclose information that may reveal a student's transgender status except as allowed by law. Schools are advised to work with the student to create an appropriate confidentiality plan regarding the student's transgender or transitioning status.

A school district shall keep confidential a current, new, or prospective student's transgender status. Schools should address the student using a chosen name; the student's birth name should be kept confidential by school and district staff (*See Section 5, School Records*).

Due to a specific and compelling need, such as the health and safety of a student or an incident of bias-related crime, a school district may be obligated to disclose a student's status. The school district should inform the student that the school intends to disclose the student's transgender status for the student's protection and well-being. Prior to disclosure, the student should be given the opportunity to personally disclose that information. School districts should make every effort to ensure that any disclosure is made in a way that reduces or eliminates the risk of re-disclosure and protects the transgender student from further harassment. Those measures may include the facilitation of counseling for the student and the student's family to facilitate the family's acceptance and support of the student's transgender status.

During a Harassment, Intimidation, or Bullying investigation a school district is obligated to develop a procedure to report, verbally and in writing, an act of harassment, intimidation, and bullying (HIB) committed by an adult or youth against a student, pursuant to *N.J.A.C. 6A:16-7.7(a)2viii*. In this instance, the school district should inform the student of the school's obligation to report the findings of the HIB investigation pursuant to *N.J.S.A. 18A:37-15(d)*, which permits the parents or guardians of the students who are parties to the investigation to receive information about the investigation in accordance with federal and state law and regulation. Under HIB requirements, parents or guardians are entitled to know the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether disciplinary action was imposed or services provided to address the incident of harassment, intimidation, or bullying.

School district officials shall take into account the circumstances of the incident when providing notification to parents or guardians of all students involved in the reported harassment, intimidation, or bullying incident and when conveying the nature of the incident, including the actual or perceived protected category motivating the alleged offense, pursuant to *N.J.A.C. 6A:16-7.7(a)2viii(2)*.

Disclosure of personally identifiable information from a student's education record to other school officials within the district, whom the district has determined have a legitimate educational interest in the information, may be permissible under FERPA (34 C.F.R. § 99.31(a)(1)). The school district shall make a concerted effort to ensure that school officials obtain access to only those education records in which they have legitimate educational interests.

- School districts shall comply with all laws and regulations regarding the confidentiality of student records and student privacy, including the requirements set forth at 20 U.S.C. § 1232g, Family Educational Rights and Privacy Act; 34 CFR Part 99, Family Educational Rights and Privacy; 20 U.S.C. § 1232h, Protection of Pupil Rights; 34 CFR Part 98, Student Rights in Research, Experimental Programs, and Testing; *P.L.* 104-191, Health Insurance Portability and Accountability Act; 45 CFR Part 160, General Administrative Requirements; 20 U.S.C. § 7917, Transfer of school disciplinary records; 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records; *N.J.S.A. 18A:40A-7.1*, Confidentiality of certain information provided by pupils, exceptions; *N.J.A.C. 6A:16-3.2*, Confidentiality of student alcohol and other drug information; *N.J.S.A. 18A:36-19*, Pupil records, creation, maintenance and

retention, security and access, regulations, nonliability; *N.J.S.A. 2A:4A-60*, Disclosure of juvenile information, penalties for disclosure; *N.J.A.C. 6A:32-7*, Student Records; *N.J.A.C. 6A:14-2.9*, Student records; as well as all other existing Federal and State laws and rules pertaining to student records and confidentiality.

## 5. School records

If a student has expressed a preference to be called by a name other than their birth name, permanent student records containing the student's birth name should be kept in a separate, confidential file. This file should only be shared with appropriate school staff after consultation with a student. A separate file containing records bearing the student's chosen name may also be kept. If the student has previously been known at school or in school records by a birth name, the principal should direct school personnel to use the student's chosen name and not the student's birth name. To ensure consistency among teachers, school administrators, substitute teachers and other staff, every effort should be made to immediately update student education records (for example, attendance records, transcripts, Individualized Education Programs, etc.) with the student's chosen name and gender pronouns, consistent with the student's gender identity and expression, and not circulate records with the student's birth name, unless directed by the student.

- Districts shall report to the New Jersey Department of Education through NJ SMART a student's name or gender based upon that student's chosen name and corresponding gender identity. Changing the name or gender identity from what was reported in previous years will not affect the reliability of the data reported.
- If a district changes a student's name or gender identity, it must also maintain locally a separate record reflecting the student's legal name and sex assigned at birth until receipt of documentation of a legal change of name or gender.

## 6. Activities

With respect to gender-segregated classes or athletic activities, including intramural and interscholastic athletics, all students must be allowed to participate in a manner consistent with their gender identity.

School districts shall:

- Provide transgender students with the same opportunities to participate in physical education as other students in accordance with their gender identity;
- Permit a transgender student to participate in gender-segregated school activities in accordance with the student's gender identity;
- Permit and support the formation of student clubs or programs regarding issues related to lesbian, gay, bisexual, transgender, and queer/questioning (LGBTQ) youth; and
- Offer support in the creation of peer led educational groups.

## 7. Use of Facilities

All students are entitled to have access to restrooms, locker rooms and changing facilities in accordance with their gender identity to allow for involvement in various school programs and activities.

In all cases, the school principal must work with the student and staff so all parties are aware of facility policies and understand that the student may access the restroom, locker room, and changing facility that corresponds to the student's gender identity. While some transgender students will want that arrangement, others may be uncomfortable with it. Transgender students who are uncomfortable using a sex-segregated restroom should be provided with a safe and adequate alternative, such as a single "unisex" restroom or the nurse's restroom. Similarly, some transgender students may be uncomfortable using the changing facilities that correspond to the student's gender identity. Non-transgender students should also be afforded the option to use a private facility, such as a unisex facility or the nurse's restroom, should they feel uncomfortable.

- School districts shall allow a transgender student to use a restroom or locker room based on the student's gender identity.
- Reasonable alternative arrangements shall be made if needed to ensure a student's safety and comfort. This direction for accommodations should come from the student.

## 8. Resources

The Department has sourced a variety of resources regarding professional development opportunities for school district personnel as well as developmentally appropriate information for students regarding LGBTQ issues. These resources can be found here: <https://nj.gov/education/students/safety/sandp/transgender/>

*Please be advised that these resources are provided for informational purposes only. Neither the New Jersey Department of Education, nor its officers, employees, nor agents, specifically endorse these resources or the entity hosting these resources. Please note that the New Jersey Department of Education has not validated the materials related to these resources.*

*For additional information or if you have any questions regarding this guidance, please contact the Division of Student Services at [schoolclimate@doe.nj.gov](mailto:schoolclimate@doe.nj.gov).*

# **EXHIBIT B**



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## District Policy

### 5756 - TRANSGENDER STUDENTS

Section: Students  
Date Created: March 2019  
Date Edited: March 2019

#### M

The Board of Education is committed to providing a safe, supportive, and inclusive learning environment for all students. The New Jersey Law Against Discrimination (NJLAD), N.J.S.A. 10:5-12(11)(f), generally makes it unlawful for schools to subject individuals to differential treatment based on gender identity or expression. Title IX of the Education Amendments of 1972 ("Title IX") specifically prohibits discrimination on the basis of sex in Federally-funded education programs and activities [20 U.S.C. § 1681(a)].

N.J.S.A. 18A:36-41 directs the Commissioner of Education to establish guidelines outlined in this Policy to provide direction for schools in addressing common issues concerning the needs of transgender students, and to assist schools in establishing policies and procedures that ensure a supportive and nondiscriminatory environment for transgender students.

#### Definitions/Terms

A safe and supportive environment within a school begins with understanding and respect. The Board believes students, teachers, and administrators should be provided with common terminology associated with gender identity. The terms listed below are commonly used by advocacy and human rights groups, however students may prefer other terms to describe their gender identity, appearance, or behavior. It is recommended school personnel discuss with the student the terminology and pronouns each student has chosen.

"Gender identity" means a person's internal, deeply held sense of gender. All people have a gender identity, not just transgender people. For transgender people, the individual's internal gender identity is not the same as the gender assigned at birth.

"Gender expression" means external manifestations of gender, expressed through a person's name, pronouns, clothing, haircut, behavior, voice, and/or body characteristics. Society identifies these cues as masculine and feminine, although what is considered masculine or feminine changes over time and varies by culture.

"Assigned sex at birth (ASAB)" refers to the biological sex designation recorded on a person's birth certificate upon the initial issuance of that certificate, should such a record be provided at birth.

"Gender assigned at birth" refers to the gender a child is assigned at birth or assumed to be, based on their biological sex assigned at birth.

"Sexual orientation" describes a person's enduring physical, romantic, and/or emotional attraction to another person. Gender identity and sexual orientation are not the same. A transgender person may be straight, lesbian, gay, bisexual, or asexual. For example, a person who transitions from male to female and is attracted solely to men may identify as a straight woman.

"Transgender" is a term for an individual whose gender identity and/or gender expression differs from those typically associated with the sex and gender assigned at birth.

"Transition" is the process by which a transgender person recognizes that their authentic gender identity is not the same as the gender assigned at birth, and develops a more affirming gender expression that feels authentic. Some individuals socially transition, for example, through dress, use of names and/or pronouns. Some individuals may undergo physical transition, which might include hormone treatments and surgery. School district personnel should avoid the phrase "sex change," as it is an inaccurate description of the transition process; the process is more accurately described as "gender-confirming."

"LGBTQ" is an acronym for "lesbian, gay, bisexual, transgender, and queer/questioning."

"Gender nonconforming" describes a person whose gender expression does not conform to the gender expectations of their family or community. Gender nonconformity is not necessarily an indication that a youth is transgender; many non-transgender youth do not conform to stereotypical expectations.

"Gender expansive, Gender diverse, Gender fluid, Gender non-binary, A gender, Gender queer" are terms that convey a wider, more flexible range of gender identity and/or expression than typically associated with the binary gender system. For example, students who identify as gender queer or gender fluid might not identify as boys or girls; for these students, the non-binary gender identity functions as the student's gender identity.

"Cisgender" refers to individuals whose gender identity, expression, or behavior conforms with those typically associated with their sex assigned at birth.

#### Student-Centered Approach

The school district shall accept a student's asserted gender identity; parental consent is not required. A student need not meet any threshold diagnosis or treatment requirements to have his or her gender identity recognized and respected by the school district, school, or school staff members. In addition, a legal or court-ordered name change is not required. There is no affirmative duty for any school district staff member to notify a student's parent of the student's gender identity or expression.

There may be instances where a parent of a minor student disagrees with the student regarding the name and pronoun to be used at school and in the student's education records. In the event a parent objects to the minor student's name change request, the Superintendent or designee should consult the Board Attorney regarding

the minor student's civil rights and protections under the NJLAD. School staff members should continue to refer to the student in accordance with the student's chosen name and pronoun at school and may consider providing resource information regarding family counseling and support services outside of the school district.

School districts should be mindful of disputes between minor students and parents concerning the student's gender identity or expression. Many support resources are available through advocacy groups and resources from the New Jersey Department of Children and Families and New Jersey Department of Education's "Child Abuse, Neglect, and Missing Children" webpage.

The Principal or designee should have an open, but confidential discussion with the student to ascertain the student's preference on matters such as chosen name, chosen pronoun to use, and parental communications. A transgender student shall be addressed at school by the name and pronoun chosen by the student, regardless of whether a legal name change or change in official school records has occurred. The school shall issue school documentation for a transgender student, such as student identification cards, in the name chosen by the student. A transgender student shall be allowed to dress in accordance with the student's gender identity.

The Principal or designee should also discuss with the student, and any other individuals at the student's request, the risks associated with the student's transgender status being inadvertently disclosed. For example, the Principal or designee should inform the student the transgender status may be revealed due to other students' discussions at home. The Principal or designee should work with the transgender student to ensure awareness of activities and events that may inadvertently disclose the transgender student's status.

#### Safe and Supportive Environment

The Board developed and adopted this Policy to ensure that its schools provide a safe and supportive learning environment that is free from discrimination and harassment for transgender students, including students going through a gender transition. Gender-based policies, rules, and practices can have the effect of marginalizing, stigmatizing, and excluding students, whether they are gender nonconforming or not.

The Superintendent or designee shall review and update existing policies and procedures, including those regarding classroom activities, school ceremonies, school photographs, and dress codes, to verify transgender students are not excluded. In addition, the school district shall take the following steps to establish and maintain a nondiscriminatory environment for all students, including transgender and transitioning students:

- The school district must comply with N.J.S.A. 18A:37-15 and N.J.A.C. 6A:16-7.7, which prohibit harassment, intimidation, and bullying. The Board is required to develop, adopt, and implement a Policy in accordance with N.J.S.A. 18A:37-15 and N.J.A.C. 6A:16-7.7 that prohibits harassment, intimidation, or bullying on school property, at a school-sponsored function, or on a school bus. If harassment, intimidation, or bullying based on gender identity creates a hostile environment, the school must take prompt and effective steps to end the harassment, intimidation, or bullying, prevent its recurrence, and, as appropriate, remedy its effects.
- The Superintendent or designee should ensure training is provided to school staff members on sensitivity and respect towards transgender students.
- Social and Emotional Learning (SEL) concepts should be incorporated into school culture and curricula.
- The school district may seek a variety of professionals, including counselors and school psychologists, to provide emotional supports for all students who demonstrate a need. The Superintendent or designee shall ensure school counselors are knowledgeable regarding issues and concerns relevant to transgender students, students facing other gender identity issues, or students who may be transitioning.
- Student dress codes should not be enforced more strictly for transgender and gender nonconforming students than for other students.
- The school district shall honor and recognize a student's asserted gender identity, and shall not require any documentation or evidence in any form, including diagnosis, treatment, or legal name change.
- A school's obligation to ensure nondiscrimination on the basis of gender identity requires schools to provide transgender students equal access to educational programs and activities, even in circumstances in which other students, parents, or community members raise objections or concerns.

#### Confidentiality and Privacy

School staff members may not disclose information that may reveal a student's transgender status except as allowed by law. The Principal or designee is advised to work with the student to create an appropriate confidentiality plan regarding the student's transgender or transitioning status.

The school district shall keep confidential a current, new, or prospective student's transgender status. Schools should address the student using a chosen name and the student's birth name should be kept confidential by school and school staff members.

Due to a specific and compelling need, such as the health and safety of a student or an incident of bias-related crime, the school district may be obligated to disclose a student's status. In this event, the Principal or designee should inform the student the school or school district intends to disclose the student's transgender status for the student's protection and well-being. Prior to disclosure, the student should be given the opportunity to personally disclose that information. The school district should make every effort to ensure any disclosure is made in a way that reduces or eliminates the risk of re-disclosure and protects the transgender student from further harassment. Those measures may include the facilitation of counseling for the student and the student's family to facilitate the family's acceptance and support of the student's transgender status.

During a harassment, intimidation, or bullying investigation the school district is obligated to develop a procedure to report, verbally and in writing, an act of harassment, intimidation, and bullying committed by an adult or youth against a student, pursuant to N.J.A.C. 6A:16-7.7(a)2viii. In this instance, the Principal or designee should inform the student of the school's obligation to report the findings of the harassment, intimidation, and bullying investigation pursuant to N.J.S.A. 18A:37-15(d), which permits the parents of the students who are parties to the investigation to receive information about the investigation in accordance with Federal and State law and regulation. Under harassment, intimidation, and bullying legal requirements,

parents are entitled to know the nature of the investigation; whether the district found evidence of harassment, intimidation, or bullying; or whether disciplinary action was imposed or services provided to address the incident of harassment, intimidation, or bullying.

The Principal or designee shall take into account the circumstances of the incident when providing notification to parents of all students involved in the reported harassment, intimidation, or bullying incident and when conveying the nature of the incident, including the actual or perceived protected category motivating the alleged offense, pursuant to N.J.A.C. 6A:16-7.7(a)2viii(2).

Disclosure of personally identifiable information from a student's education record to other school officials within the school district, whom the school district has determined have a legitimate educational interest in the information, may be permissible under Family Educational Rights and Privacy Act (FERPA) (34 C.F.R. § 99.31(a)(1)). The school district shall make a concerted effort to ensure school officials obtain access to only those education records in which they have legitimate educational interests.

The school district shall comply with all laws and regulations regarding the confidentiality of student records and student privacy, including the requirements set forth at 20 U.S.C. § 1232g, Family Educational Rights and Privacy Act; 34 CFR Part 99, Family Educational Rights and Privacy; 20 U.S.C. § 1232h, Protection of Pupil Rights; 34 CFR Part 98, Student Rights in Research, Experimental Programs, and Testing; P.L. 104-191, Health Insurance Portability and Accountability Act; 45 CFR Part 160, General Administrative Requirements; 20 U.S.C. § 7917, Transfer of school disciplinary records; 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records; N.J.S.A. 18A:40A-7.1, Confidentiality of certain information provided by pupils, exceptions; N.J.A.C. 6A:16-3.2, Confidentiality of student alcohol and other drug information; N.J.S.A. 18A:36-19, Pupil Records, creation, maintenance and retention, security and access, regulations, nonliability; N.J.S.A. 2A:4A-60, Disclosure of juvenile information, penalties for disclosure; N.J.A.C. 6A:32-7, Student Records; N.J.A.C. 6A:14-2.9, Student records; as well as all other existing Federal and State laws and rules pertaining to student records and confidentiality.

#### School Records

If a student has expressed a preference to be called by a name other than their birth name, permanent student records containing the student's birth name should be kept in a separate, confidential file. This file should only be shared with appropriate school staff members after consultation with a student. A separate file containing records bearing the student's chosen name may also be kept. If the student has previously been known at school or in school records by a birth name, the Principal or designee should direct school staff members to use the student's chosen name and not the student's birth name.

To ensure consistency among teachers, school administrators, substitute teachers, and other school staff members, every effort should be made to immediately update student education records (for example, attendance records, transcripts, Individualized Education Programs (IEP), etc.) with the student's chosen name and gender pronouns, consistent with the student's gender identity and expression, and not circulate records with the student's birth name, unless directed by the student.

- The school district shall report to the New Jersey Department of Education (NJDOE) through NJ SMART a student's name or gender based upon that student's chosen name and corresponding gender identity. Changing the name or gender identity from what was reported in previous years will not affect the reliability of the data reported.
- If the school district changes a student's name or gender identity, it must also maintain locally a separate record reflecting the student's legal name and sex assigned at birth until receipt of documentation of a legal change of name or gender.

#### Activities

With respect to gender-segregated classes or athletic activities, including intramural and interscholastic athletics, all students must be allowed to participate in a manner consistent with their gender identity.

The school district shall:

- Provide transgender students with the same opportunities to participate in physical education as other students in accordance with their gender identity;
- Permit a transgender student to participate in gender-segregated school activities in accordance with the student's gender identity;
- Permit and support the formation of student clubs or programs regarding issues related to lesbian, gay, bisexual, transgender, and queer/questioning (LGBTQ) youth; and
- Offer support in the creation of peer led educational groups.

#### Use of Facilities

All students are entitled to have access to restrooms, locker rooms, and changing facilities in accordance with their gender identity to allow for involvement in various school programs and activities.

In all cases, the Principal or designee must work with the student and school staff members so all parties are aware of facility policies and understand the student may access the restroom, locker room, and changing facility that corresponds to the student's gender identity. While some transgender students will want this arrangement, others may be uncomfortable with it. Transgender students who are uncomfortable using a sex-segregated restroom should be provided with a safe and adequate alternative, such as a single "unisex" restroom or the nurse's restroom. Similarly, some transgender students may be uncomfortable using the changing facilities that correspond to the student's gender identity. Non-transgender students should also be afforded the option to use a private facility, such as a unisex facility or the nurse's restroom, should they feel uncomfortable.

- The school district shall allow a transgender student to use a restroom or locker room based on the student's gender identity.
- Reasonable alternative arrangements shall be made if needed to ensure a student's safety and comfort. This direction for accommodations should come from the student.

The Superintendent or designee will make available to school staff members a variety of resources regarding professional development opportunities as sourced by the NJDOE as well as developmentally appropriate information for students regarding LGBTQ issues.

The Board adopts this Policy to help school and district administrators take steps to create an inclusive environment in which transgender and gender nonconforming students feel safe and supported, and to ensure each school provides equal educational opportunities for all students, in compliance with N.J.A.C. 6A:7-1.1 et seq.

N.J.S.A. 18A:36-41; 18A:37-15  
N.J.A.C. 6A:7-1.1 et seq.; N.J.A.C. 6A:16-7.7  
New Jersey Department of Education – October 2018  
Transgender Student Guidance for School Districts

Adopted: 19 March 2019



# **EXHIBIT C**

## **8463 – PARENTAL NOTICE OF MATERIAL CIRCUMSTANCES**

Section: Operations

**DRAFT**

Date Created: April 21, 2023

### **Purpose**

The Board adopts this Policy to provide direction and guidance to school district administrators and staff with respect to their obligations to keep students' parent(s) reasonably informed with respect to all material matters pertaining to their children.

### **Duty to Inform**

All school staff members (certificated and non-certificated personnel) and administrators shall take all necessary steps – including notifying appropriate school administrators (e.g., the Principal and/or his/her designee) – to immediately, fully and accurately inform a student's parent(s) whenever such staff member is made aware of, directly or indirectly, any facts or circumstances that may have a material impact on the student's physical and/or mental health, safety and/or social/emotional well-being, including, without limitation, the following: substance use; tobacco/vaping use; alcohol use; firearms; peer/academic/athletic pressures; school performance; eating disorders; suicide; self-harm; anxiety; depression; fatigue; isolationism / anti-social behaviors / social withdraw; truancy; theft; vandalism; unlawful activity; violent or aggressive behavior; preoccupation with anti-social music; pornography; sexual activity; sexuality; sexual orientation; transitioning; gender identity or expression; gang affiliation; obsessive behaviors; familial/cultural challenges; harassment; intimidation; or bullying.

Where a staff member reasonably believes that such notification to a student's parent(s) will place the student at risk of abuse or neglect as defined by N.J.S.A. § 9:6-1, the staff member and appropriate administrators shall immediately notify the Department of Children and Families, Institutional Abuse (DCF), Division of Child Protection and Permanency (DCPP), and/or the Hanover Township Police Department (HTPD) in accordance with the annual Memorandum of Agreement and/or as directed by the Superintendent, his/her designee and/or the Board's legal counsel.

Nothing contained in this Policy shall be construed to alleviate a staff member or administrator of his or her reporting or other obligations under N.J.S.A §§ 9:6-8.10, 18A:36-25 and 25.2, another District Policy, including, without limitation, District Policy No. 8462 promulgated pursuant to N.J.A.C. 6A:16-11.1, or other applicable law.

For the purposes of this Policy, the term "parent," pursuant to N.J.A.C. 6A:16-1.3, means the natural parent(s); adoptive parent(s); legal guardian(s); resource family parent(s); or parent surrogate(s) of a student. When parents are separated or divorced, "parent" means the person(s)

or agency which has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided parental rights have not been terminated by a court of appropriate jurisdiction.

N.J.S.A. § 9:6-1

N.J.S.A § 9:6-8.10

N.J.S.A. § 18A:36-25 and 25.2

N.J.A.C. § 6A:16-11.1

N.J.A.C. § 6A:16-1.3

**DRAFT**

Adopted: \_\_\_\_\_ 2023