



Gender Identity Policy and Procedural Directive

Questions and Answers

In order to ensure compliance with federal law, APS has implemented a procedural directive on gender identity and expression. The following information is provided as a summary of commonly asked questions regarding the APS policy and procedural directive on nondiscrimination based upon gender identity and expression. For more detailed information, please refer to the Non-Discrimination for Students: Gender Identity and Expression Procedural Directive.

Q Why is a policy and procedure on gender identity and expression needed?

A **Albuquerque Public Schools (APS) enrolls students who are transgender, as well as students who are gender non-conforming, and we need to ensure that the students are safe and respected and that we are following consistent practices (names, pronouns, records, etc.) across the District. National statistics show that transgender students are at a much greater risk of dropping out of school due to safety reasons than their peers.**

Q Why has it been decided that a policy and procedural directive is needed *now*?

A **The APS Board of Education added gender identity to its non-discrimination policy in 2005. However, procedures detailing how to ensure non-discrimination and harassment based on gender identity were not established, at that time. In 2014, the United States Department of Education expanded Title IX stating that “Title IX’s sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity and the Office of Civil Rights accepts such complaints for investigation.” Due to the expansion of Title IX, APS needs to have procedures in place to ensure consistency across the District and compliance with federal law.**

Q Why should transgender students have special rights?

A **Transgender students are not being given special rights. APS needs to ensure that transgender students are treated the same as all other students in the group of his or her affirmed gender in all respects of the education programs and activities offered by the Albuquerque Public Schools.**

Q What areas are covered in the procedural directive?

A **Definitions, names, pronouns, official records, gender segregated facilities, dress codes, bullying prevention and sexual harassment programs, and support team are the different topics addressed in the new procedural directive. You may view the procedural directive for additional information about each topic.**

Q Why should a transgender student be allowed to use the bathroom/locker room that doesn't align with the biological sex?

A **Transgender students are living as the gender with which they identify. This means that they are presenting and expressing themselves as the gender that doesn't correspond to their biological sex. Just as having a girl go into a boys' bathroom/locker room would be very disruptive, it would be disruptive for a transgender girl to go into a boys' bathroom as that person appears as, and lives as, a girl.**

Q Don't transgender students say they are transgender just so they can go into the other bathroom/locker room?

A **Absolutely not. Being forced to use the bathroom/locker room of their biological sex is anxiety provoking and traumatic as transgender students don't fit in there, and it is often a very unsafe place for them. It isn't unusual for transgender students not to use the bathroom all day and end up with urinary tract infections. Their goal is to go into a bathroom/locker room without drawing attention to themselves, use the facility, and get out safely.**

Q What happens if a student uses the bathroom/locker room that is not authorized?

A **Any student who enters a bathroom/locker room not authorized, willfully disregarding school rules, would be subject to disciplinary procedures.**

Q How do I find out if my school has any transgender students who are using the bathroom/locker room of the gender with which they identify?

A **Information about a student's gender status, legal name, or gender assigned at birth may constitute confidential medical or educational information. Disclosing this information to other students, their parents, or other third parties may violate privacy laws, such as the federal Family Education Rights and Privacy Act (FERPA). School employees may not disclose a student's transgender or gender nonconforming status to others unless the school is (1) legally required to do so or (2) the student has authorized such disclosure.**

Q How do I talk with my child about gender identity?

A **Parents/guardians can explain that some people are born with a strong realization that they are in a body that doesn't match who they are, meaning that they feel like a girl but have boy parts or vice versa. If someone consistently feels that way, that person might decide to start dressing and living the way they feel who they are inside. To learn more about people who are transgender or gender non-conforming, a helpful resource is the Transgender Resource Center of New Mexico (www.trgrcnm.org). You can check with TGRCNM about attending one of their trainings on gender identity. Online resources, such as www.genderspectrum.org, also provide valuable information about gender identity.**

Q If a parent or student is uncomfortable with their student sharing a bathroom with a transgender student, what should be done?

A **The student who is uncomfortable may be offered a single-stall, gender-neutral facility. Learning more about the issue can also take away fear or discomfort of the unknown.**

Q I'm a principal and I have a student who wants the name and gender identity to be entered into the Student Information System so that is how the student is known at school, but there has been no documentation for an official name change or change on the birth certificate. How should I handle that?

A **The Student Information Systems staff is currently working with Synergy to create a "public" screen (for employees) and a "private" screen (highly confidential and disclosed only with written consent). The official name and biological sex would be entered on the private screen and used in those situations required by law (such as standardized testing) whereas the public screen would be the one used in all other cases so that the student is being identified according to the gender identity.**